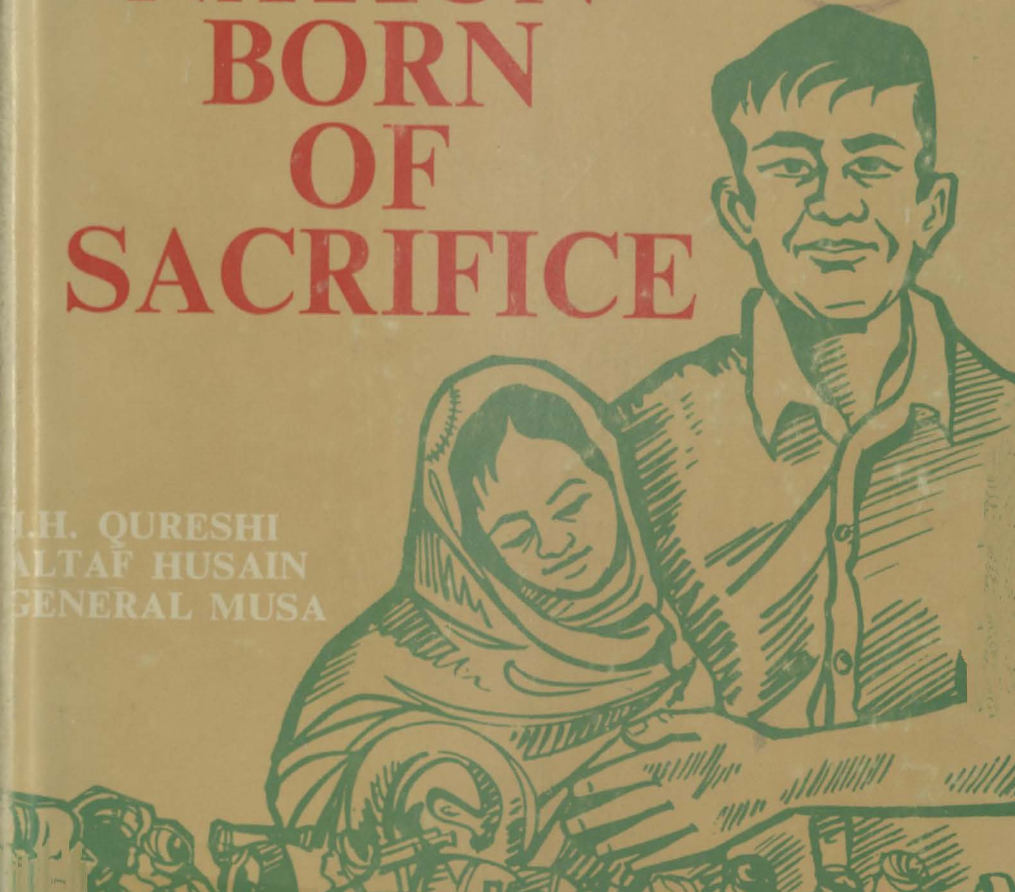
PAKISTAN SERIES

A NATION BORN OF SACRIFICE



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GENERAL MUSA

EAST & WEST PUBLISHING COMPANY

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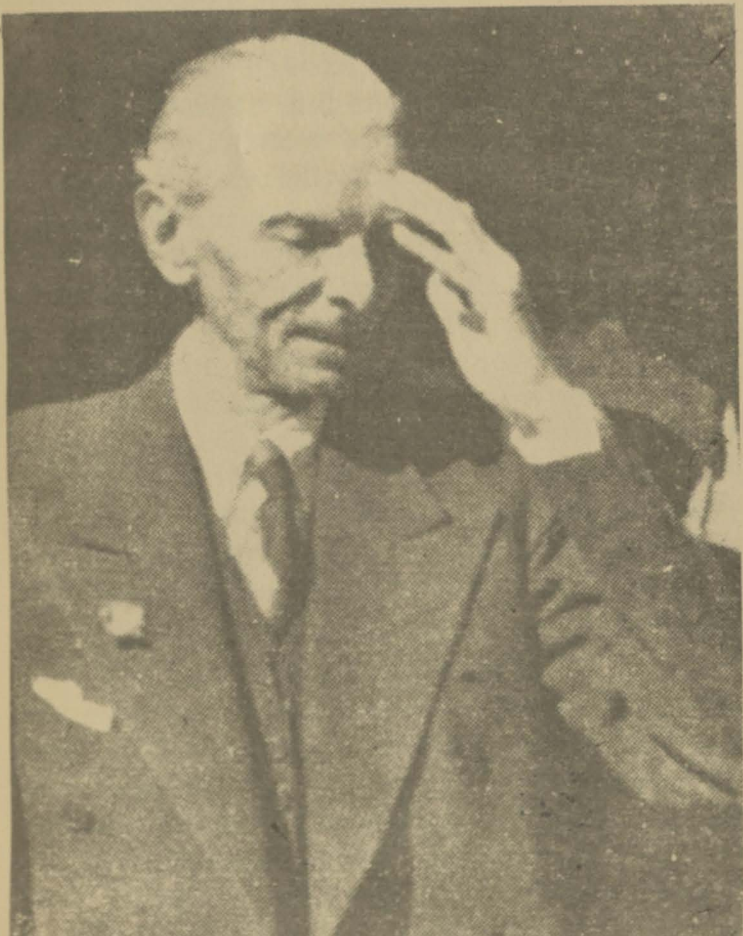
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THE NATION'S SACRIFICES

Foreward

There is no denying the fact that since the establishment of Pakistan there seems to be a great dearth of standard and authentic literature on the history of the Pakistan Movement. The leaders of the movement have left very scant legacy on the why and how of the struggle of the Muslims of the Subcontinent. They have not penned their own memoirs, reminiscences and the role they have played to encounter the two powerful adversaries, the British and the Hindus, who manoeuvered hard to suppress the Muslims from rising as a powerful and united nation. The British, after the fall of Bengal in 1757 at the battle of Plassey, became complete masters of the rich province and conferred considerable privileges and facilities to the Hindus to establish their hegemony over the Muslims.

The year 1857 marked a turning point in the history of the Muslims when their last hope of regaining independence and re-unifying the disintegerated States under Bahadur Shah Zafar was miserably dashed to the ground. The last Mughal Emperor was forced to surrender to the British at the point of the bayonet and was exiled to Rangoon. The last flicker of light, extinguished for ever, paving the way for the foundation of the British Empire in this Subcontinent. The British consolidated their Empire and left no stone unturned to keep the Muslims away from participating in the economic, educational, social and political development of the country.

With this great discrimination, trials and tribulations the Muslims were reawakened to shake off the trammels of thraldom for their political regeneration and there arose outstanding leaders like Shah Waliullah, Syed Ahmad Khan, Maulana Mohammed Ali, Hasrat Mohani, Maulana Zafar Ali Khan, Allama Iqbal and Quaid-e-Azam Mohammad Ali Jinnah who guided the Muslims to cast off the hegemony of the British and the Hindus and to re-establish their power and position.

The publication of "A NATION BORN OF SACRIFICE" is a welcome addition to the history of the Muslim struggle giving insight into the united and determined efforts of the Muslims to encounter all the obstacles put forward by the powerful adversaries and reach their destination and cherished goal at the cost of great sacrifices of lives and properties under the most able and dynamic leadership of Quaid-e-Azam Mohammad Ali Jinnah. The contributions of eminent scholars and writers, with some most valuable appendices throw light on the struggle for the establishment of Pakistan.

It is hoped that more significant literature would be brought out by the East and West Publishing Company to educate our younger generation to the understanding of the true story of the Pakistan Movement.

2, Reay Road,
Karachi.
March 23, 1976. M. A. H. Ispahani

Contents

The Story of the Indian Muslims

(*Dr. Ishtiaq Husain Qureshi*)

Even before the birth of the Prophet Mohammad (peace be upon him), the Arabs had trade relations with India. Islam converted them into one of the greatest civilizing forces in the history of the world and there was no sphere of Arab life which was not transformed. The Arabs inspired by the teachings of the Quran felt a new vitality which reflected itself in increased activity in all fields of human endeavour.

Commerce was no exception and we find Arab trade settlements growing more prosperous and increasing in number. They remained for many centuries the sole carriers of goods and commodities to the lands washed by the Eastern Indian Ocean and beyond, and they shared with the Chinese all

the trade between India and the East up to China. The Arab brought prosperity to the ports and kingdoms of India and because the Indian was precluded from seafaring by the rules of a rigid caste system, the Arab provided the much needed commercial link between India and other countries where his influence as a trader was supreme. His probity and fair dealing, the result of the idealism inspired by his religion, won for him an honoured place at the courts of the rulers of India's maritime kingdoms and principalities.

As a result of his zeal for Islam the Arab was a missionary of his faith and the Arab settlements became centres for the propagation of Islamic ideals and beliefs. The Arabs were not so successful in gaining converts as in the dissemination of new ideas which affected the future of religious thought in India. The Southern Peninsula, where the Arab settlements were mostly situated, was at this time, the arena of a furious battle between Brahmanism and Jainism. Brahmanism was once again the dominating religion and having gained converts among the rulers and powerful chiefs, was using all methods of expansion. Debate, persecution, massacre and absorption went hand in hand, and political power combined with religious zeal carried all before it. Nevertheless men's minds were deeply exercised and religious polemics opened the flood gates of new ideas.

Creed of Islam: At this critical juncture the new vigorous and positive creed of Islam whose

rational approach to life was in deep contrast to the Indian mixture of a deeply speculative philosophy with a picturesque, symbolic and superstitious mythology, popularised new concepts and had affected to a very remarkable degree, the beliefs of the people and the thinkers. Indeed Shankaracharya, who may be called the founder of neo-Hinduism, was profoundly affected by Islam. It sounds curious, yet it is true that a small band of traders and missionaries altered the very complexion of Hindu religious thought.

The Arabs gained some political influence in the South because of their qualities of character and their position as merchants of substance and creators of commercial prosperity. They did not attempt to create a Muslim State in the South. Their commercial interests, however, brought them into conflict with the rulers of Sind in the North-West. On their routes lay the delta of the Indus which was infested with pirates whom the rulers of Sind were either powerless or unwilling to suppress. Repeated protests from the traders and the Government of the Caliphate at Damascus produced no effect.

Arabs in Sind: The Arabs had no desire to conquer Sind, because communications were difficult and it had been felt that the Eastern boundary of the Caliphate could not be extended any further without a disproportionate increase in the liabilities of defence. But when frontier demonstrations and diplomatic pressure produced no results, war was declared and the young General, Mohammad bin

Qasim (only 17 years old) added a new province to the extensive Arab Empire in the beginning of the eighth century of Christian Era.

The Arabs treated the population with their usual generosity; they admitted the Hindus to the highest offices of the State, gave them religious liberty and even endowed their temples and places of worship. Their greatest contribution to the welfare of Sind was that they liberated the Buddhist population from the tyranny and religious persecution of the Brahmins. As the result of moderation and liberalism displayed by the Arabs, Islam was well established in Sind where it prospered so well that today the people of Sind are overwhelmingly Muslim.

This conquest of Sind, seemingly a mere episode in the political history of India, produced results of far-reaching value in the history of human progress. Much that was great in ancient Indian culture and knowledge was assimilated by the Arabs who embellished and improved it with their penetrating intellect and passed it on to other races; and what they had learnt elsewhere and similarly expanded they gave to India. Even politically their achievement was not meagre because, when they were at the zenith of their glory in India, they expanded their empire towards the North and the West so as to embrace a much larger area than modern Sind. There are reasons to believe that the greater part of modern Punjab and Western Rajputana passed into their hands. But even more

important than the extent of their territories was the pattern of administration that they laid for the Indian lands which was followed by other Muslim rulers with variations in the institutions but not in the spirit which continued to be of tolerance and conciliation.

Conquest of Northern-India: The semi-independent hill principality of Ghor had been left with the substance of its ancestral authority by the earlier Ghaznawids, but the later rulers of the latter dynasty provoked a conflict which ended in complete victory for the Ghorids. Muhammad bin Sam uprooted the last Ghaznawid from Lahore and started a series of campaigns, which ably conducted by his lieutenants, resulted in the conquest of Northern India. On the death of Muhammad bin Sam, his governors assumed independence and after a short while a united Muslim empire was established in Northern India with its capital at Delhi. The new Turkish rulers of India were no barbarians; they had inherited all the culture of the Ghaznawids and also their administrative traditions. The ease with which this vast territory was conquered is an index of the superiority of the Turks as soldiers and conquerors but their greater achievement was the consolidation of these territories into a well organized empire, which stood the strain of foreign invasion and centrifugal forces alike for well nigh two centuries and which after being broken into fragments again emerged phoenix-like from its ashes as one of the most brilliant monarchies of the world.

The success of the Sultanate, as the first empire is called, was due to the succession of brilliant statesmen and administrators who directed its affairs. To cite an example, Alauddin Khalji, to save the economy of his empire from collapse, because of the huge expenditure involved in defence against the Mongols, evolved and maintained for many years a system of price control, rationing of essential commodities and production of food stuffs and cloth at a high level. In this way he succeeded in beating the enemy and saving his people from suffering and starvation. This was no mean achievement for a ruler in the early fourteenth century. The greatness of these rulers can be judged from their unique achievement in saving India from Mongol conquest. When country after country in Asia and Europe fell prey to their barbaric warfare, which ignored all canons of civilized fighting, India, with her reputation of fabulous riches and her geographical situation which placed her on the main route of the all conquering Mongols, was saved by the intrepidity and careful planning of the Sultans of Delhi.

The importance of this achievement is increased by the fact that the Muslims were a hopeless minority in the land they were defending and in establishing their rule they had earned the hostility of certain influential and politically-conscious sections of the Hindu population. In spite of these difficulties they not only beat the persistent Mongols off whenever they trespassed into Indian territories

but also extended their dominions southwards until their flag flew on the southern most point of India.

Charter of Freedom: But although Hinduism was given fullest freedom, it was not permitted to suppress other faiths. The advent of Muslim rule proved to be the charter of freedom for the followers of non-Brahmanical religions. Indeed there is still literature existent which depicts in no uncertain terms the joy with which the oppressed hailed the Muslim conquest and the most significant fact is that wheresoever the followers of non-Brahmanical religions had been reduced to helplessness, the Islamic missionary effort was highly successful in gaining converts.

Then came Timur's invasion which led to the dissolution of an Empire which was already becoming weak and the imperial tradition was renewed by the Mughuls, the dynasty founded by Babur, the diarist, poet, calligraphist, general and empire-builder. He was succeeded by his son Humayun who lost his throne for a while, being replaced by a great mediaeval statesman, Sher Shah. Two anecdotes from Humayun's life will show his sense of values. He did not exhibit such enthusiastic joy on the recovery of the throne of Delhi as he did when he recovered his camel loads of books which he had lost. When in exile in Persia after he had been promised help by the Shah, he tarried and made a pilgrimage to Tabriz to meet the master painters in that city. To the minds of this cultured prince the reconquest of a lost empire could wait but he could not overcome the temptation of spending a few weeks in the

company of the famous artists. Little wonder that he employed at his court artists whose endeavours soon created the Mughul school of painting, so justly renowned for portraiture and fineness of detail and harmony of colour. Humayun was succeeded by Akbar who has been classed as one of the greatest monarchs of the world. He expanded the empire; he further improved the administration and removed the defects which had crept into the system; he collected around himself a galaxy of brilliant men, whose names are great in the history of administration and learning. At a time when the Catholic Church was burning works of science and medicine, he was encouraging the translation not only of books of general interest but also the scriptures of other faiths.

Advent of the British: The British, who had established themselves as traders in India, and who were not so innocent of imperialistic designs as is sometimes made out by their official historians, began to take advantage of the situation. European artillery had been valued even by the Mughul emperors, but with the growth of anarchy, petty chieftains, in search of allies to further their selfish ends, began to court the favour of different European nations who had fortified and armed settlements in India.

The English succeeded in this confused warfare; firstly in establishing their sway over the Carnatic in the South and then over Bengal, both comprising some of the richest tracts of India. With the income

of these areas at their command and wholesale plunder of accumulated wealth, they were able to become a real power in the land with the help of trained and disciplined forces. They went on expanding their territories until they were able to bring the whole of the Subcontinent under their sway. The British used great circumspection because they carried on the administration in the name of the Mughul Emperor and retained the Muslim organization for the dispensation of justice and the administration of the Muslim personal law for a considerable period. With increasing power, however, they dispensed with the perpetuation of the legal myth of the sovereignty of the Muslim emperor and abolished the authority of the Muslim courts.

Effect on Muslims: This aroused considerable opposition and the Muslims were naturally discontented and sullen. As they had considerable political consciousness, the British considered them to be their enemies. It would have been surprising if the British had produced anything except discontent, because all Government posts carrying salaries of more than fifty rupees were reserved for Europeans. This hit the Muslims very badly because they had mainly relied on Government service for earning their livelihood. They had developed special aptitude for military service. They were left without any prospects of suitable employment.

A class of Hindus also was affected and there are preserved today in the archives of the Government of India, petitions for the revocation of the order and making comparisons between the opportunities

they had under Mughul Rule and their unhappy position under the British, and the signatories are both Hindus and the Muslims. The petitions were ignored and in spite of Queen Victoria's proclamation laying down the principle that all her subjects would have equal opportunities of employment, the Indianization of the higher services started only in the second quarter of this century. Even in the subordinate posts, the British Government used all methods of discrimination against the Muslims and discouraged their employment because they were considered to be hostile to British Rule.

Rise of Syed Ahmad: At this juncture, in the history of the Indian Muslims, there arose another great man, Syed Ahmad of Delhi, the founder of the Muslim University at Aligarh. He had remained loyal during the Mutiny and, therefore, he possessed some influence with the British. He could see clearly that there was little hope for the Indian Muslims, unless they brought themselves into line with the other inhabitants of the Subcontinent. This could not be achieved without the co-operation of the British, who had established themselves so strongly that any resistance seemed to be impossible. He, therefore, set himself the dual task of bringing about some kind of a conciliation between the British and the Muslims and of persuading the Muslims that they could survive only if they took to Western education and cultivated the favour of the British. His policy was strongly opposed by large sections of the Muslim population who still had bitter memories and who found it difficult

to discard their pride and humiliate themselves by accepting defeat. His methods were approved by astute Britishers, because they thought that Western education would undermine the hold of Islam over the Indian Muslims and the gospel of peace with the victor and abject surrender to him would result in making the Muslims absolutely dependent on the British.

Attack on Culture: A number of Hindu revivalist movements, each more severe than its predecessor, tried to obliterate all traces of Islamic influence from Indian life. They were not so hostile to Westernization, though traces of the revivalist and reactionary tendencies can be discovered in the Hindu attitude even towards modern modes of life but their greatest dislike was for all things Islamic in origin. There was no sphere of life which escaped the notice of the Hindu revivalist.

In language, Urdu, the lingua franca of India, was to be replaced by Hindi, the difference being that the former is written in a modified form of the Arabic script and includes a number of Arabic, Persian and Turkish words in its vocabulary while the latter is written in the old Devanagari (Prakritic) script and uses a large number of obsolete Sanskrit words. Hence today Hindi is seldom spoken, but it must be popularized through schools, newspapers and propaganda.

It would be interesting to note that the movement was started at the instance of Anthony MacDonald, a Lieutenant Governor of the United Provinces in

India. In Art, the achievements of the Mughul school are discarded and Hindu artists now take their inspiration from Ajanta (6th century B.C.). In politics the ideal laid down by Gandhi, is Rama Rajya, the polity supposed to have existed under the mythical divine war hero Rama. In history most Hindu historians left the British authors far behind in distorting the facts to malign Muslim rulers; in religious polemics Hindu authors grew more abusive and scrupulous than European missionaries. All the bridges built to span the differences, by Muslim rulers, statesmen, writers, thinkers and artists were destroyed by the Hindu revivalists and even now the merry game goes on under the patronage of the Hindu leaders of the so-called Indian National Congress.

Birth of Muslim League: These tendencies which had become so pronounced did not escape the notice of the Muslims and they had no option but to seek protection of their rights and individuality in a separate organization. The All-India Muslim League was, therefore, founded in 1906. Its main purpose was to emphasize the fact that the Muslims were a separate entity in the body politics of India and that their interests were not safe in the hands of resurgent Hinduism. They demanded the right of electing their own representatives to the various administrative and legislative bodies and this right was conceded by the British Government not without strong opposition from the Hindus. A peculiar feature of the Muslim struggle has been that even their minor demands have been opposed

by the Hindus and have been conceded to the Muslims only after considerable bitterness.

In the beginning so little power was transferred by the British that the main concern of the political parties was to exercise pressure on the British. In 1916 through the untiring efforts of the Quaid-e-Azam and the farsighted realism of Maratha Congress Leader, Gokhale, a Congress-League Pact was brought about which tacitly recognized the separate entity of the Muslims and the fact that the Muslim League was their only authoritative and representative organization. This created an understanding between the two bodies which resulted in considerable co-operation between the Hindus and the Muslims in the political field. This tendency was further developed by the agitation in India arising out of the discontent which followed in the wake of the First World War (1914-18).

The events leading to the tragedy of Jallianwala Bagh are too well-known to be repeated; they created disgust for British policy in all sections of the Indian population. The Indian Muslims were further agitated because the British Government had not honoured the pledges given to them regarding the integrity and freedom of predominantly Turkish areas in Turkey. Forgetting in their momentary excitement their differences, Hindus and Muslims united together in civil disobedience against the British Government.

Hindus Create Obstacles: But as soon as the excitement subsided and the movement showed

signs of exhaustion, the Hindus started two movements; one of them was called *Shuddhi*, which aimed at converting to Hinduism the poorer and backward classes among Muslims *en masse* by questionable methods. The other was called *Sangathan*, which sought to organize the Hindus whose numbers, wealth, education and resources had already made them the dominant element in India, into a militant body to overawe the Muslims.

The Hindu programme was set out by one Har Dayal a prominent Hindu revolutionary and thinker in a series of articles. The Muslims were to be absorbed; they were to be coerced into completely Hinduising themselves and all traces of Islamic influence were to be wiped out from their lives. Simultaneously a series of communal riots were engineered to test the efficacy of Hindu organization and to overawe the Muslims. In short, the spell of Hindu-Muslim alliance was deliberately broken by organized Hindu effort. To cover up Hindu hostility, the Congress created a smoke screen of national unity, talking disparagingly of communalism but secretly encouraging Hindu militant organizations. Prominent Congress leaders comdemned any retaliation by Muslims but kept silent on Hindu excesses or even tried to justify them.

Disillusionment Grows: The Congress, when challenged by the British Government to produce constructive suggestions for the future constitutional development of India, appointed a Committee under the presidentship of Pandit Motilal Nehru. The Committee published the Nehru Report which

envisaged a government so dominated by the Hindus that it opened the eyes of even the staunchest Muslim Congressmen, and the Ali Brothers, who had been the lieutenants of Gandhi in the first Non-co-operation Movement, openly expressed their disapproval of the suggestions and lost faith in the Congress.*

Jinnah as Saviour: The credit of organising the Muslim resistance against Hindu designs goes to the Muslim League and its great leader M. A. Jinnah, who was able to see through all Hindu machinations and to counteract them. When they were fully convinced that the Hindus aimed at suppressing them and drunk with a sense of newly acquired power, were in no mood to listen to proposals for a compromise, the Muslims gave up all hopes of forming a multi-national State in co-operation with the Hindus and were led into asserting their national right of constituting a sovereign state in areas where they were in a majority.

The feeling of being a separate political entity had always been inherent in the psychological make up of the Muslims. It had grown with the political developments in India. The previous demands including Jinnah's Fourteen Points were all determined by the same feeling, the object being to preserve the Muslim entity by securing an effective share in Government and administration. So long

* Maulana Mohammad Ali's last words on the Hindu-Muslim question is given in Appendix "E".

as the Muslims did not suspect that the Hindus were inspired by the ambition to rule over the entire non-Hindu population of India they did not press their claim of separate nationhood with its concomitants of a homeland and a State. The twenty seven months of the rule of the Congress in the Hindu majority Provinces, however, served as a timely eye-opener to them. The Congress Ministries did everything in their power to strangle the Muslims politically, culturally, economically and educationally. All subsequent events have established, beyond a shadow of doubt, that the sole object of the Congress was to win for itself the position of an authoritarian and totalitarian caucus ruling the entire Subcontinent in the interest of the caste Hindu majority. Apart from the intrinsic merits of the Muslim demand for Pakistan, the aggressive and totalitarian ambitions of the Congress lent additional weight and justification to the ideal of Pakistan.

The League becomes a Power: The Muslim League now reached the stage where it was no longer a party among parties but a movement and an organization embracing the entire Muslim population of a hundred million. If evidence of the hold of the Muslim League on the loyalties of the Muslims were still needed it was amply provided by the fact that throughout India, they obeyed the mandate of the Muslim League and kept completely aloof from the campaign of lawlessness launched by the Congress in 1942. In the face of imminent peril and grave provocations the calm restraint and

solidarity that they showed was amazing. It would not be out of place to give a brief history of the growth of the Muslim League into a popular mass organisation.

The introduction of the provincial part of the Government of India Act, 1935, was the signal for the unleashing of new forces in the body politic of India. The Congress representing as it did the solid bulk of Hindu opinion swept the polls in the six Hindu majority provinces, but it as signally failed to win any seats worth the name in the Muslim majority provinces, even though the Muslims lacked any well-organised political machine to galvanise their political life and fight for their rights. Through the vigorous efforts of high-caste Hindu politicians backed by the financial assistance given by Hindu industrial magnates the Congress developed into a strong totalitarian Hindu party with an aggressive outlook aiming at the absorption or annihilation of all non-Hindu elements.

The Congress was encouraged in its designs by the Gentleman's pact between the Congress and the British Government on account of which the safeguards provided in the constitution for minority rights were rendered utterly useless and ineffective. The character of the Congress Ministries and their working during the twenty seven months of office exposed totalitarian tendencies of the Congress. The Muslims, the depressed classes of the Hindu society and other non-Hindu minorities became alarmed by the situation but the Muslims alone had the courage to take up the challenge

and make a desperate bid to muster their forces and save themselves from what appeared to be certain destruction. A phenomenal awakening came to the Musalmans and from one to the other they rallied round the banner of the All-India Muslim League at the call of their leader, Mohammad Ali Jinnah.

Lucknow Session: At Lucknow in 1937, the League underwent a radical change. From a top heavy middle class political association it became a broad-based virile mass organisation. The constitution of the League was thoroughly overhauled. Every Musalman, male or female, above the age of 18, became a member of the League on paying an annual subscription of two annas and signing the creed of the League. The two-anna members constituted the Primary League in every village and every quarter of a town. They elected a Working Committee of their own and also their representatives to the District or Town Muslim League. These League Committees consisting of representatives of Primary Leagues elected in their turn representatives to the Provincial League. Each Provincial League, thus formed, elected representatives to the All-India Muslim League Council according to members allotted to every province in the constitution. The President of the All-India Muslim League was elected by the All-India Muslim League Council from among a panel of names recommended by the Provincial Leagues. The President of All-India body nominated a Working Committee of 21 members of the All-India League

Council. The Provincial, District, Town and Primary Leagues also elected their own office-bearers and Working Committees.

The total membership of the League was over 10 millions. Every section of the Muslim people, traders, professional men, artisans, labourers, the intelligentsia, illiterate villagers, students, women and even children vied with one another in their allegiance and devotion to the League. To all of them the League was their sole spokesman, the symbol of their hope, the custodian of their rights and interests and the guarantor of their future destiny. The League was the main-spring of their national being, the fountain of light and inspiration, the shield against all hostile forces, external and internal. The League had accomplished for the Muslim nation within a short span of seven years what the Congress had not been able to do for the Hindus as a whole in more than fifty years. The League had unified the Muslims into one solid invulnerable entity; it had awakened in them the consciousness of their separate national entity and national destiny. It had infused in them the spirit of self-confidence and self-help; it had canalised their powers of organisation, their creative impulses and energies in the right direction. The Muslims developed a keen social sense and began to think and act in terms of their unified and collective progress and well-being.

This had resulted in the adoption of a programme of educational, economic and social uplift of the masses. The welfare of Muslim women was not

neglected and quickened with a new life, they were coming forward in ever-increasing numbers to participate in the social and political work lying ahead. The ideal of Pakistan gave a new life, a new fervour, a new hope. The masses were ready to stake their lives to achieve that ideal. No sacrifice was too great for the Muslims to reach their cherished goal; they knew only one slogan, "Pakistan or Perish". And thus they achieved their goal—the birth of Pakistan.

. . . And So To Pakistan

(Altaf Husain)

The Government of India Act of 1935, introduced for the first time full autonomy in the Indian Provinces. Under this Constitution much wider powers devolved on provincial Ministries than at any previous time. Elections under the Act were held in the cold weather of 1937. The Congress Party gained an absolute majority in the provinces of Bihar, United Provinces, Central Provinces, Madras, the North-West Frontier Province and Orissa. In Bombay it had a working majority. Congress at first refused to form Ministries because of its objection to the special powers which the Act of 1935 and the Instrument of Instructions vested in the provincial Governors. Consequently, minority Ministries were set up as a temporary expedient.

Congress in Power

The 1973 Agreement

Negotiations were initiated between the Congress Party and the then Viceroy, Lord Linlithgow, which eventually led to what is known as a "Gentleman's Agreement". According to this, the Viceroy gave an assurance that Provincial Governors would not exercise their special powers. These powers, it may be recalled, also included the power to intervene for the protection of the minorities. In pursuance of the agreement, the Congress consented to assume Ministerial responsibility in its majority provinces, and Congress Ministries came into power in the spring of 1937.

Ministry Formation

Policy of the Congress

In forming the Ministries, the Congress decided to pursue a policy of exclusiveness. It declined to enter into coalitions with the Muslim League Parties in the Provincial Legislatures, insisting that anyone who was included in a Ministry formed by the Congress must sign the Congress pledge and become a member of the Congress Party. This led to an increase in communal tension, for the Muslim League had offered co-operation but it was turned down.

During the two years that followed, communal rioting became a frequent occurrence, especially in Bihar, the United Provinces and the Central Provinces. There was widespread aggression of

the majority against the minority and communal violence raised its head in the rural areas. This was the direct result of the policy which the Congress followed during its regime. As soon as Congress Ministries came into office, they did some very unusual things. They issued instructions, written or verbal, asking local executives to take into their Councils, in all important matters the local Congress executives. They encouraged the hoisting of the Congress flag on public buildings, colleges, schools and other places. Many of the Ministers undertook tours to hoist flags in *mofussil* towns with great pomp and show. They ordered the singing of the Congress song *Bande Matram*, which extolled a Hindu goddess, on almost all occasions in total disregard of the protests of Muslims. They also introduced and encouraged Hindi (in Madras they made it compulsory subject for all students to learn) thus showing their bias for Sanskrit culture. They spoke of the Muslim League as if it was an organisation inimical to the country, and they lost no opportunity to hold up to scorn the leaders of the Muslim League. Whenever there was any communal trouble, they blamed the Muslim League for it, but little or nothing was done to bring home the culprits, that the Governments concerned viewed their activities with disfavour.

The effect of such a policy on the majority was disastrous, and to the officials it gave a very dangerous lead. The former felt that their will must now prevail. The latter knew that only by falling

into line with their new masters in the Ministry and by placating the party bosses, big and small, could they smooth their path to preferment or avoid the displeasure of the Government. Naturally, bitter recriminations marked platform speeches and writings in the press, and communal relations rapidly and dangerously deteriorated.

Congress and the War

Pretext for aloofness

When Britain went to war with Germany in September 1939, the Congress Party contended that it was an imperialist war and India should keep aloof. According to the existing constitutional position, India, being a part of the British Empire, was, however, automatically drawn into it. As a protest against this, the Congress Party ordered all its Provincial Ministries to resign. It maintained that the Congress could not cooperate in any manner with the prosecution of the war. This led to the assumption of responsibility by the Governors, in the provinces concerned under section 93 of the Government of India Act, 1935.

Gandhi then launched what he described as "Individual Civil Disobedience" to protest against dragging India into Britain's war. The movement continued for some time without making much impression, and was eventually withdrawn. The Congress, however, declared its intention to continue its protest in some other form and mass civil disobedience was again mooted.

Deliverance Day

Muslim Celebration

Muslims had come to regard Congress rule as definitely hostile to them and they welcomed the resignation of Congress Ministries. The Muslim League celebrated the event by holding an India-wide "Deliverance Day". The ineffectiveness of the safeguards for the protection of minority rights and interests provided in the Government of India Act of 1935, and in the Instrument of Instructions to Governors, was a sore point with the Muslim League. The experiences of 1937-39, in the Muslim League's view showed that no safeguards provided in a constitution based on the principle of majority rule could in practice adequately protect Muslims and the minorities. Some other remedy had to be found; something much more drastic and effective than mere "safeguards".

At it's annual session held in Lahore on March 23, 1940, the Muslim League took a momentous decision. It formally adopted, for the first time, the principle of division of India into Hindustan and Pakistan, as a solution of the political problem. This has come to be known as the historic Pakistan Resolution of the Muslim League. It was not an entirely new idea, for Allama Iqbal, the great seer and national poet of Islam, had already put it forward in his presidential address at the annual session of the Muslim League at Allahabad, in 1930. He said:

> "I would like to see the Punjab, the North-West Frontier Province, Sind and Baluchistan

> amalgamated into a single State. Self-government within the British Empire, or without the British Empire, the formation of a consolidated North-West Indian Muslim State appears to me to be the final destiny of the Muslims, at least of North-West India. . . . I therefore demand the formation of a consolidated Muslim State in the best interests of India and Islam. For India, it means security and peace resulting from an internal balance of power; for Islam, it would be an opportunity to rid itself of the stamp that Arabian Imperialism was forced to give it, to mobilise its laws, its education, its culture, and to bring them into closer contact with its own original spirit and with the spirit of modern times".

The text of the Lahore Resolution is as follows:

> "Resolved that it is the considered view of this Session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principle, *viz.*, that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority, as in the North-Western and Eastern zones of India, should be grouped to constitute Independent States in which the constituent units shall be autonomous and sovereign.

That adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in these units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them; and in other parts of India where the Musalmans are in a minority, adequate, effective and mandatory safeguards shall be specifically provided in the constitution, for them and other minorities, for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them.

This session further authorizes the Working Committee to frame a scheme of constitution in accordance with these basic principles, providing for the assumption finally, by the respective regions, of all powers such as defence, external affairs, communications, customs and other such matters as may be necessary".

Co-operation of Political Parties

League Conditions

Meanwhile the Viceroy, Lord Linlithgow, had been making attempts to secure the co-operation of the major political parties in running the Central Government for the purpose of harnessing India's resources more effectively to the prosecution of the war. The Muslim League had expressed its willingness to nominate its representatives on the Viceroy's

Executive Council on two main conditions. It wanted an assurance that no constitution for the future Government of India would be imposed on the Muslims without their consent. Secondly, it demanded that it should be given an equal number of seats in the Executive Council with the Congress, if the Congress agreed to come in, but if the Congress did not come in, the League should have a majority of seats in the Council.

This demand was based on the argument that if the Congress did not join the Government, the major burden of helping in the war effort and carrying out the war-time administration of the country would fall on the Muslim League, and therefore it should have a majority of seats in the Government.

August Pledge

League's Gesture

The British Government and the Viceroy did not agree to the second demand of the Muslim League, but they gave an assurance on the line of its first demand. On August 8, 1940, the Viceroy, Lord Linlithgow, made an official announcement that "His Majesty's Government could not contemplate the transfer of their present responsibilities to any system of Government whose authority was directly denied by large elements in India's national life and that they could not be a party to the coercion of such elements into submission to any such Government".

In view of this assurance and pledge, the Muslim League adopted the policy of allowing its

Ministries and the Muslims generally to give whatever assistance they could to the war effort, although not accepting the responsibility of office at the Centre. In consequence, the two large Muslim majority provinces of Bengal and the Punjab not only helped in the prosecution of the war but bore most of the brunt of it. Muslim Punjab very liberally contributed to the man-power in the fighting forces, so much so that many of its villages were almost completely denuded of Muslim young men of fighting age. Bengal helped to the utmost, economically, and her people suffered the most terrible famine in history, as a direct consequence of the war.

Subsequently, Britain made one more effort to arrive at a settlement with the Indian parties, through the Cripps Mission in April 1942. This attempt proved abortive, because the Congress would not accept the principle of self-determination for the provinces which formed part of the Cripps scheme, and the Muslim League considered that it did not go far enough to meet their minimum demands. But the Cripps scheme for the first time accepted the principle of secession of provinces from the main body of India, on the territorial basis.

1942 "Rebellion"

Quit India Move

Then came the "August Rebellion" of 1942, which the Congress launched and consequences of which are well-known. This necessitated the arrest and detention of M. K. Gandhi, the members of the Congress Working Committee and some other

prominent Congress leaders. The object and nature of the movement were clearly stated by Gandhi and its authoritative declarations made on behalf of the Congress. The following facts and quotations are taken from a Government of India publication entitled "Congress' Responsibility for he Disturbances, 1942-43":

> "In an article written on April 19, 1942, which appeared in the *Harijan* of April 26, Gandhi first gave public expression to the theory which was to crystallize into his 'Quit-India' move. In this article after deploring the introduction of foreign soldiers into India to aid in India's defence, Gandhi asserted that if the British were to leave India to her fate as they had to leave Singapore, non-violent India would lose nothing and Japan would probably leave India alone. 'Whatever the consequences, therefore, to India be', he continued 'her real safety, and Britain's too, lie in orderly and timely British withdrawal from India'."

These are the famous words uttered by Gandhi at a Press Conference in Wardha, after the Working Committee had passed the resolution of July 14, which show clearly how, even at that early stage, he was fully determined on a final struggle:

> "There is no room left in the proposal for withdrawal or negotiation. There is no question of one more chance. After all, it is an open rebellion."

Secret instructions sent from Bombay to the

Secretary of the Kerala Provincial Congress Committee on August 12, 1942, included the following:

> "Burn important offices, buildings, post-offices, Government buildings, and Railways, etc. Pull down issue-notices, derail by putting stones, remove all roadside posts, remove lights from the roadsides, close all shops, offices, etc., and cut communications, etc. These are some of the things going on daily here. Terrible work we are able to do here."

End of War

Simla Conference—I

After the war in Europe ended, Britain made one more move for a settlement and following an announcement by the Viceroy, Lord Wavell, after his consultations with the British Government in London, the first Simla Conference was convened in June 1945. The Congress leaders were released from detention and invited to the Conference.

The "Wavell Plan" which was the basis of discussion, laid down a formula for the purpose of securing the cooperation of the major parties and communities in the Central Government. The main task of such a reconstituted Government was to be a more vigorous prosecution of the war against Japan which was then still unbeaten. The formula provided for a parity of representation between the Muslims and the caste-Hindus. After several weeks of fruitless discussions, the Conference ended in failure because the Congress insisted on the inclusion of nationalist

Muslims in the Muslim quota, refusing to recognise the Muslim Leabue as the sole representative organisation of the Muslims of India.

Meanwhile general elections were held in Britain; the war-time national Government of Winston Churchill fell, and a Labour Government came into power. The Viceroy visited London for the second time and on his return announced that general elections would shortly take place in India, after which the question of setting up a machinery for the framing of India's future constitution and the formation of a provisional Interim Government, having on it representatives of the major parties, would be taken up afresh.

The Muslim League had, after the failure of the first Simla Conference, demanded elections to prove its claim to be the sole representative body of Muslim India. It had also declared that it could only consider participation in an Interim Government if it received satisfaction on the long-term constitutional issue.

General Elections

League's Victory

The Muslim League contested every single Muslim seat in the Central and Provincial Legislatures, other than those few which were elected by joint constituencies. The following table shows the strength of the Muslim League parties in the present legislature:

Legislature	Total Muslims in Assembly	Strength of Muslim League Party
Central Assembly	31(a)	30
Assam	34	31
Bengal	123	122
Orissa	4	4
Bihar	36	30
U.P.	66	55
Punjab	86	80
N.W.F.P.	38	17
Sind	35	28
Sind (re-elections in Nov-Dec., 1946)	37	35
Bombay	28	28
Madras	29	29
C.P.	14	13
Total (b)	561	502

(a) Including 1 (one) elected from a joint constituency. All the 30 returned by Muslim constituencies were Muslim Leaguers.

(b) Totals include only the present figures in Sind.

Muslim Legislators
Convention in Delhi

After the elections were over, the Muslim League decided to call a Convention of all members of the Central and Provincial Legislatures who had been elected on the League ticket. The Convention was held in Delhi, in the second week of April, and it reiterated the Muslim demand for Pakistan. All the members also took an oath to make every sacrifice if called upon by the League, for the achievement of Pakistan. The text of the pledge is given below:

> "In the name of Allah, the Beneficent, the Merciful. Say; my prayer and my sacrifice and my living and my dying are all for Allah, the Lord of the Worlds (*al-Quran*).
>
> I, a member of the Muslim League Party of the Legislative Assembly/Council, do hereby solemnly declare my firm conviction that the safety and security and the salvation and destiny of the Muslim nation inhabiting the subcontinent of India lie only in the achievement of Pakistan which is the one equitable, honourable and just solution of the constitutional problem and which will bring peace, freedom and prosperity to the various nationalities and communities of this great Subcontinent.
>
> I most solemnly affirm that I shall willingly and unflinchingly carry out all the directions and instructions which may be issued by the

> All-India Muslim League in pursuance of any movement launched by it for the attainment of the cherished national goal of Pakistan and believing as I do in the rightness and justice of my cause, I pledge myself to undergo any danger, trial or sacrifice which may be demanded of me.
>
> Our Lord! Bestow on us endurance, and keep our steps firm and help us against the disbelieving people." Amen.

Clement Attlee had announced in the Parliament on March 15, 1946, that a Cabinet Mission would be visiting India to discuss with the main parties, on the spot, ways and means for the setting up of a constitution-making machinery, and for securing the cooperation of all elements in the formation of an Interim Government.

Cabinet Mission
Simla Conference—II

The Cabinet Mission had arrived in India at the end of March 1946. It consisted of Lord Pethick Lawrence, Sir Stafford Cripps and Mr. A. V. Alexander. For three weeks they met the leaders of the Congress and the Muslim League, as well as a large number of individuals representing or claiming to represent various other political elements and sectional interests.

Failing to find a common basis on which the major parties could agree to cooperate in the tasks which the Delegation had come to perform, they

announced on April 27 that they had invited: "The Presidents of the Muslim League and of the Congress to nominate representatives of the Working Committees of the Congress and the Muslim League to meet together with the Delegation to continue the negotiations." Both the parties accepted the invitation and the stage was set for a second Conference in Simla, the place chosen for the joint negotiations. The Conference commenced at Simla on May 5, 1946, and terminated on May 13, without arriving at an agreement between the Congress and the Muslim League.

It is necessary here to state that after many sittings of its Working Committee in Delhi, during the second week of April, the then Congress President had announced what purported to be a "new formula" for the solution of the constitutional problem. This formula provided that there should be a United India with one Central Federation composed of "fully autonomous" units which will have residuary powers and there would be two lists of Central subjects, the one compulsory, the other optional. The Muslim League reaction to this had been that it did not really represent any departure from the Congress demand for a United India with extensive powers for the Centre.

Failure of Conference

Reasons Explained

The correspondence that had passed between the Cabinet Mission, the Congress and the Muslim

League, prior to and during the Simla Conference, was released on May 18. It revealed that the basis of discussion, at the Simla Conference, which the Cabinet Mission had laid down in their separate letters to the President of the Congress and the President of the Muslim League had been as follows:

> "There would be two groups of provinces; the one of the predominantly Hindu provinces and the other of the predominantly Muslim provinces, dealing with all other subjects which the provinces in the respective groups desired to be dealt with in common. The Provincial Governments would deal with all other subjects and would have all the residuary sovereign rights."

The published correspondence also included a memorandum, submitted by the President of the Muslim League, embodying minimum demands by way of an offer dated May 12, 1946, and a note by the Congress on the principles to be agreed upon as suggested on behalf of the Muslim League in that memorandum. The note by the Congress[1] was also dated May 12, 1946.

The following are the texts of the League memorandum and the Congress proposals for agreement respectively:

League Memorandum

1. The six Muslim provinces (the Punjab, N.W.F.P., Baluchistan, Sind, Bengal and

[1] Congress Note is given in Appendix "A".

Assam) shall be grouped together as one group and will deal with other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence, which may be dealt with by the constitution-making bodies of the two groups of Provinces—Muslim Provinces (hereinafter named Pakistan Group) and Hindu Provinces sitting together.

2. There will be a separate constitution-making body for the six Muslim Provinces named above, which will frame constitutions for the Group and the Provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the Provinces.
3. The method of election of the representatives to the Constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each Province of the Pakistan Group.
4. After the Constitutions of the Pakistan Federal Government and the Provinces are finally framed by the Constitution-making body it will be open to any Province of the Group to decide to opt out of its Group, provided the wishes of the people of that Province are ascertained by a referendum to opt out or not.

5. It must be open to discussion in the joint Constitution-making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two Constitution-making bodies but in no event shall it be by means of taxation.
6. There should be parity of representation between the two Groups of Provinces in the Union Executive and the Legislature if any.
7. No major point in the Union Constitution which affects the communal issue shall be deemed to be passed in the joint Constitution-making body unless the majority of the members of the Constitution-making body of the Hindu provinces and the majority of the members of the Constitution-making body of the Pakistan Group, present and voting are separately in its favour.
8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature, except by a majority of three fourths.
9. In Group and Provincial Constitutions, fundamental rights and safeguards concerning religion, culture, and other matters affecting the different communities will be provided for.

10. The Constitution of the Union shall contain a provision whereby any Province can by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the Constitution, and will have the liberty to secede from the Union at any time after an initial period of ten years.

These are the principles of our offer for a peaceful and amicable settlement and this offer stands in its entirety and all matters mentioned herein are inter-dependent.

Congress Proposals for Agreement

1. The Constituent Assembly is to be formed as follows:
   - (i) Representatives shall be elected by each Provincial Assembly by proportional representation (single transferable vote). The number so elected should be one-fifth of the number of members of the Assembly and they may be members of the Assembly or others.
   - (ii) Representatives from the States on the basis of their population in proportion of the representation from British India. How these representatives are to be chosen is to be considered later.
2. The Constituent Assembly shall draw up a Constitution for the Federal Union. This

shall consist of an All-India Federal Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights, Currency, Customs and Planning, as well as such other subject as, on closer scrutiny, may be found to be intimately allied to them. The Federal Union will have necessary powers to obtain for itself the finances it requires for these subjects and the power to raise revenue in its own right. The Union must also have power to take remedial action in cases of breakdown of the Constitution and in grave public emergencies.

3. All remaining powers shall vest in the Provinces or Units.

4. Groups or Provinces may be formed and such groups may determine the Provincial subjects which they desire to take in common.

5. After the Constituent Assembly had decided the Constitution for the All-India Federal Union as laid down in paragraph 2 (two) above, the representatives of the Provinces may form groups to decide the Provincial Constitutions for their group, and if they wish a group Constitution.

6. No major point in All-India Federal Constitution which affects the communal issue shall be deemed to be passed by the Constituent Assembly, unless a majority

of the members of the community or communities concerned present in Assembly and voting are separately in its favour. Provided that in case there is no agreement on any such issue it will be referred to arbitration. In case of doubt as to whether any point is a major communal issue, the Speaker will decide, or, if so desired, it may be referred to the Federal Court.

7. In the event of a dispute arising in process of Constitution-making, the specific issue shall be referred to arbitration.
8. The Constitution should provide machinery for its revision at any time, subject to such checks as may be desired. If so desired, it may be specifically stated that this whole Constitution may be reconsidered after ten years.

These documents show that the Muslim League had agreed to modality for the time being, its demand for an outright division of India, and to accept a Centre with limited powers. But the League's gesture produced little corresponding response from the Congress.

Statement of May 16, 1946*

Interim Government Proposal

Failing to bring about an agreement between the major parties, the Cabinet Mission made, on

* Quaid-e-Azam's statement of May 22, 1946 is given as appendix "B"

May 16, their well-known Statement setting forth their own solution, virtually by way of an award, although the use of that word was carefully avoided. In that statement, the Cabinet Mission "rejected" the Muslim League's demand for separate sovereign States of Pakistan and Hindustan, on the basis of an absolute division of India, but recorded the following conclusions on the genuineness of Muslim fears and on the imperative need of making effective provisions in the constitutional plan for the purpose of allaying them:

> "This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subject to a perpetual Hindu majority rule. This feeling has become too strong and widespread among the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India, it must be secured by measures which will essure to the Muslims a control in all matters vital to their culture, religion and socio-economic interests."

Problems of An Interim Government

In the meantime, both at Simla and later in New Delhi, the Viceroy had been discussing with Jinnah the basis on which the Interim Government was to be formed. The Viceroy had told Jinnah in Simla and again in New Delhi on June 3 that the

basis would be 5 (five) Congress, 5 (five) Muslim League and 2 (two), minorities. The Viceroy had also authorised the League President to communicate this information to his Working Committee.

May 16 Plan

League's Acceptance

The Council of the Muslim League met in New Delhi on June 5 and 6, 1946, and adopted a resolution accepting the Cabinet Mission's Statement of May 16. This decision of the Muslim League was influenced by the following facts:

1. The whole picture, including the manner of the composition of the Interim Government and the manner in which the future Constitution was to be framed, was available to the League. The League had always maintained that these two issues were inseparable.
2. The League had been assured by the Viceroy through its President that it would be given equality of representation with the Congress.
3. Although the division of India into full Pakistan and full Hindustan had been ruled out for the present, the opportunity of a revision of the Constitution of a ten-yearly interval left the door open to the Muslim League to raise the issue in future if the Constitution envisaged in the

Mission's plan worked to the detriment of Muslim interests.

4. Limited Pakistan was conceded in the areas claimed by the Muslim League as Muslim homelands, which had been placed in separate Groups under Section B and C.
5. The Union Centre was to have power to administer only three subjects, namely, Defence, Foreign Affairs, and Communications.
6. The decision whether Groups were to be formed comprising provinces according to Section B and C was left to the respective Sectional Constitution-making bodies comprising only the representatives of the provinces concerned and, therefore, there was no fear that this decision would be influenced by the overwhelming majority of Hindu in the Union Constituent Assembly as a whole.
7. The Constitutions of the provinces in the Sections, as well as Group Constitution were to be framed by the Sectional Assemblies concerned and in this respect these Sectional Assemblies were completely independent of the Union Assembly, which had no right to review or modify the provincial and group Constitutions.
8. These provisions in the Statement of May 16 had been declared as final and

mandatory, not open to any other interpretation, and not liable to modification except with the consent of the majority of each community in the Constituent Assembly. This had been made clear by Sir Stafford Cripps in his statement at a press conference on the evening of May 16 and by the answers given to questions by the Secretary of State, Lord Pathick Lawrence, at another press conference on May 17. All further doubts on these points had been removed by the Cabinet Mission's Statement of May 25, in which they declared that the interpretations which the Congress had been putting on the relevent provisions concerning the grouping of provinces "did not accord with the intentions of the Cabinet Mission", who maintained that these provisions formed an essential feature of the scheme.

9. The scheme provided that no question involving a major communal issue could be decided by the Union Assembly without the consent of the majority of each community, and that if the majority of any community so desired the decision of the Federal Court would be obtained on the point of dispute.

The League's acceptance of the Cabinet Mission Plan was welcomed by the Delegation themselves and by world opinion as a most statesmanlike decision by the Muslim League and its President

Mohammad Ali Jinnah was the recipient of universal tributes.

Gandhi's Attitude

Opposed to Grouping

The Congress generally welcomed the spirit of the May 16 statement and its "rejection" of Pakistan, but its leaders, and particularly Gandhi, bitterly criticised the provisions concerning the grouping of provinces.

The Muslim League resented these criticisms as showing that the Congress was not prepared for any compromise at all, a view which was later confirmed by Major Woodrow Wyatt, M.P., who had come out to India as one of the advisors of the Cabinet Mission. In the course of a special article in the "New Statesman and Nation" dated July 29, 1946, Major Wyatt wrote:

> "Ever since I first met Gandhi last January, he has maintained the same attitude. You can either have a Congress Government or a Muslim League Government but you can't have both".

The Congress postponed its decision on the Delegation's plan. It continued to carry on a vigorous campaign against those very provisions in the Plan which related to sections and grouping and which had persuaded the Muslim League to accept it. The Congress declared that there were "inconsistencies and discrepancies" in the Statement of May 16 and announced its intention of putting its

own "interpretations" on them, although these interpretations were contrary to those put by the authors of the scheme themselves.

Statement of May 25

Further Negotiations

Confronted with these Congress interpretations, which were at variance with their own, the Cabinet Delegation issued a second statement of May 25 clarifying in unambiguous terms their own intentions and the real meaning of the clauses of the Statement of May 16, on which the Congress had been placing their own interpretations. The following are relevant excerpts from the Statement of May 25, 1946:

> "The interpretations put by the Congress resolution on paragraph 15 of the Statement to the effect that the provinces can in the first instance make the choice whether or not to belong to the section in which they are placed, does not accord with the Delegation's intentions. The reasons for the grouping of the provinces are well-known and this is an essential feature of the scheme and can only be modified by agreement between the parties.
>
> The right to opt out of the groups after the Constitution-making has been completed will be exercised by the people themselves, since at the first election under the new provincial constitution, this question of opting out will obviously be a major issue and all those

entitled to vote under the new franchise will be able to take their share in a truly democratic decision".

The Viceroy resumed negotiations for the setting up of an Interim Government because the Congress had declared that it wanted to see the whole picture, long-term as well as short-term, before it could decide. On June 13, the Viceroy informed Mohammad Ali Jinnah that the original basis of 5 : 5 : 2 was not acceptable to the Congress and, therefore, it was proposed to alter that basis to 5:5:3. On June 15, the Viceroy again informed Jinnah that even the basis of 5:5:3 was not to the liking of the Congress and, therefore, it had been abondoned. The next day, June 16, the Cabinet Mission and the Viceroy announced that, as there had been no agreement on the question of Interim Government also, they had decided to make a proposal of their own.

Statement of June 16, 1946

The statement was as follows:

1. His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a Coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for the two major parties in arriving at any agreed basis for the formation of such a Government.

2. The Viceroy and the Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them. They consider, however, that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative Interim Government should be set up to conduct the very heavy and important business that has to be carried through.

3. The Viceroy is, therefore, issuing invitations to the following to serve as members of the Interim Government on the basis that the Constitution-making will proceed in accordance with the Statement of May 16:

Sardar Baldev Singh
Sir N. P. Engineer
Mr. Jagjivan Ram
Pandit Jawaharlal Nehru
Mr. M. A. Jinnah
Nawabzada Liaquat Ali Khan
Mr. H. K. Mahatab
Dr. John Mathai
Nawab Mohammad Ismail Khan
Khwaja Sir Nazimuddin
Sardar Abdur Rab Nishtar
Mr. C. Rajagopalachari
Dr. Rajendra Prasad
Sardar Vallabhbhai Patel

If any of these invited is unable for personal reasons to accept, the Viceroy will after consultations, invite some other person in his place.

4. The Viceroy will arrange the distribution of portfolios in consultation with leaders of the two major parties.
5. The above composition of the interim government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only and to obtain the best available coalition government.
6. The Viceroy and the Cabinet Mission believe that all communities in India desire to arrive at a speedy settlement of this matter so that the process of Constitution-making can go forward and that the Government of India may be carried on as efficiently as possible in the meantime.
7. They, therefore, hope that all parties, especially the two major parties, will accept this proposal so as to overcome the present obstacles and will co-operate for the successful carrying on of the Interim Government. Should this proposal be accepted, the Viceroy will aim at inaugurating the new Government about June 26.
8. In the event of the two major parties or either of them proving unwilling to join in the setting up of a Coalition Govern-

ment on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the Statement of May 16.

9. The Viceroy is also directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the Constitution-making machinery as put forward in the Statement of May 16.

This final proposal altered the basis to 5:5:4 and party-wise representation to community-wise representation. The principle of parity between the Congress and the Muslim League was also substituted by parity between caste Hindus and by parity between caste Hindus and Muslims. Of the fourteen names proposed, five were caste Hindus and Congressmen, 5 were Muslims and Muslim Leaguers, four were minorities, including one Congressman.

Letter to Viceroy

Clarification Sought

The Muslim League considered this a violation of the promise made by the Viceroy, when he told Jinnah that the basis would be 5:5:2, besides, the League could not feel sure that even this proposal was final and would not be further modified.

At the League Working Committee's instance, therefore, Jinnah wrote to the Viceroy on June 19, asking for certain assurances and clarifications. The Viceroy replied to that letter on the following day and gave most of the assurances asked for by M. A. Jinnah, President of the League, of which the following were the most material:

1. The announced composition was final.
2. The communal composition would not be modified except with the consent of both the major parties.
3. No change would be made in the personnel of minority representatives without consultation with both the major parties.
4. No decision on a major communal issue would be taken by the Interim Government if the majority of either of the main parties were opposed to it.

League Accepts

But is betrayed

Following this assurance, the League Working Committee further considered the question and, on the June 24, passed a resolution accepting the Statement of June 16.

In the meantime, precisely between the June 21 and 24, a sudden and radical change in the Cabinet Delegation's attitude towards the parties became manifest. Whether this was in consequence of fresh instructions received from the Home Government is not known. But it is known that there had

been many interviews during the period between Congress leaders and the Cabinet Delegation.

On the June 24, the Cabinet Mission told Jinnah, at an interview, that the Congress was not prepared to accept the Statement of June 16, and therefore it had no longer any validity. While Jinnah was interviewing the Cabinet Mission, the Working Committee of the Muslim League was in session, and had completed the task of giving the final touches to its resolution accepting the Statement of June 16, which had already been drafted at an earlier meeting. This resolution was, later on the same evening, despatched to the Viceroy.

Congress Accepts

Yet does not accept

On June 25, 1946, the Congress Working Committee passed a resolution purporting to "accept" long-term plan, but rejecting the Statement of June 16 regarding the Interim Government. Simultaneously, the Congress President wrote a letter to the Viceroy. From the resolution of its Working Committee and the letter of its President, the following facts emerged regarding the Congress attitude and decision:

1. While "accepting" the long-term plan, the Congress still maintained that certain fundamental provisions in it, concerning grouping and procedure relating to Sections were to be interpreted not in the

manner in which the Cabinet Mission had interpreted them but in the manner which the Congress thought right.

2. The Congress reserved the right to put forward these interpretations in the Constituent Assembly.
3. The Congress regarded the Constituent Assembly as fully sovereign and not liable at any stage to any check or interference.
4. The Congress insisted on its right to include a "nationalist Muslim" in the Interim Government.
5. The Congress did not approve of the inclusion of Sir N. P. Engineer as a representative of the Parsi minority.
6. The Congress was opposed to any kind of parity either between Congress and the League, or between Hindus and Muslims, or between caste Hindus and Muslims.

Cabinet Mission

Strange Somersault

On June 26, the Cabinet Mission came out with yet another statement, scrapping the proposal they had earlier made on June 16, and giving an interpretation to paragraph 8 of it, which has been described even by the British Press in India as "most shocking".

It must be stated here that in a letter written to M. A. Jinnah on June 8, the Viceroy had given the

assurance that the implementation of the Statement of May 16 and that of June 16, the long-term and the short-term schemes would be proceeded with in co-operation with any party that accepted them, irrespective of whether the other party came in or not. The Muslim League felt that in accordance with this assurance and in accordance with paragraph 8 of June 16 statement, the Viceroy should have formed the Interim Government with the Muslim League, even though the Congress had refused to come in.

The Cabinet Mission now maintained that the Congress also having accepted the long-term plan had "made itself eligible" for inclusion in the Interim Government, which could not be formed with the Muslim League to the exclusion of the Congress. There was to be a brief recess during which a "Caretaker Government" of officials was to run the administration and then, after the elections to the Constituent Assembly had taken place, negotiations for the formation of an Interim Government were to be resumed.

Constituent Assembly

League and Elections

The Muslim League regarded this action of the Cabinet Delegation as a betrayal of the clear promises and assurances given to the League, and a deliberate going back upon the Statement of June 16. The League, nevertheless decided to participate in the elections to the Constituent Assembly in order to prevent undesirable Muslim elements from getting

in. Elections to the Constituent Assembly were duly held. The following table shows the extent of Muslim League victories in these elections:

Province	Total Muslim seats	Seats won by Muslim League
Assam	3	3
Bengal	33	33
Bihar	5	5
U.P.	8	7
Punjab	16	15
N.W.F.P.	3	1
Sind	3	3
Bombay	2	2
Madras	4	4
C.P.	1	1
Baluchistan	1	No official League candidate was set up. Member elected supported League.
Total	79	74 (+1)

The Cabinet Mission left India on June 29, 1946. It was announced shortly afterwards that they would report to Parliament on July 18 and there would be a brief debate.

The Congress called a meeting of its All-India Council, in the first week of July, in Bombay. The A.I.C.C., on July 7, ratified the decision of the Congress Working Committee taken in Delhi on June 25. While addressing the Council, Pandit Nehru, who had now become President, made it

clear that the Congress had not made any commitments whatever except that it had decided to enter the Constituent Assembly which was free to frame a new Constitution for a free and independent India. At a press conference in Bombay, on July 10, Pandit Nehru made it even more clear than he had in his speech at the A.I.C.C. that what the Congress had accepted was only "the method of election to the Constituent Assembly" and it was not bound by other provisions of the Cabinet Delegation's Plan.

When it was pointed out to Pandit Nehru by a Journalist that Muslim League circles considered this attitude of the Congress as having created a new situation, Pandit Nehru remarked that he was glad the Muslim League had realised this, and he declared that the Congress intended "to create many more situations".

Congress Utterances

Challenge by the League

On the following day, the General Secretary of the Muslim League, Liaquat Ali Khan, issued a press statement drawing attention of the Cabinet Mission and the British Government to these utterances of Pandit Nehru and other Congress leaders at the A.I.C.C. meeting, and he appealed to the British Government in the following terms:

> "In view of the statement made by Pandit Nehru on Wednesday (July 10). and by other speakers at the A.I.C.C., earlier, it is essential for the British Government to restate and clarify their intentions as to the Constituent Assembly Plan".

Note to His Majesty's Government

Clarification Sought

On July 14, 1946, Jinnah, who was then at Hyderabad, said as follows:

"It has been clear from the outset to those who understood from the letter of the President of the Congress of June 25, addressed to the Viceroy, and the resolution of the Congress Working Committee that followed it next day rejecting the Interim Government proposals contained in the Statement of the Cabinet Delegation and Viceroy, dated June 16 that it was never intended to honour its terms and obligations with the desire to carry out the scheme in the spirit of constructive and friendly co-operation.

In their resolution they make reservations and put fantastic interpretations upon the fundamentals of long-term plan and finally they make it clear that they were only going to prevent other people whom they consider undesirable, from getting into the Constituent Assembly and seek elections to wreck the long-term plan also.

They are going to the Constituent Assembly, as has now been so frankly and clearly defined by Pandit Jawaharlal Nehru on his assumption of office as the President of the Congress "to achieve their objective". He has also made it quite clear that they are not going to honour any of the terms of the long-term plan, and

> that they are only entering to put it shortly, to use it as a platform for their propaganda in utter disregard of rights and obligations of those agreeing and who are in honour bound to fulfil or abide by it.
>
> This is simply because they have secured a brute majority of 292 against 79 Muslims in the Constituent Assembly. This is complete repudiation of the basic form upon which the long-term scheme rests and all its fundamentals and terms and obligations and rights of parties accepting the scheme".

Jinnah, as President of the All-India Muslim League, then made the demand that the British Government should remove the doubts that had been created by the Congress regarding the Constituent Assembly plan. He said:

> "I understand that there is going to be a debate in the British Parliament very soon on the report of the Cabinet Delegation, and it is for the British Parliament and His Majesty's Government to make it clear beyond doubt and remove the impression that the Congress has accepted the long-term scheme which is sought to be conveyed abroad by the timid efforts of the Cabinet Delegation and the Viceroy who throughout these negotiations have suffered from a fear-complex and constant threats of the Congress to resort to civil disobedience, which is now repeated by Pandit Jawaharlal Nehru in his present statement to the press conference, and further in their undue

> anxiety to secure success of their mission at any cost and the sacrifice of everybody else".

Jinnah also announced that in view of these further developments another meeting of the Council of the Muslim League would be held at Bombay in the last week of July.

Failure of Talks

Debate in British Parliament

The debate in Parliament took place in both Houses on July 18, 1946. In the course of the debate, the Secretary of State in the Lords and Sir Stafford Cripps in the Commons, blamed the failure of negotiations regarding the Interim Government on Jinnah. For the first time in recent political history, British Government Spokesman also stated that the Muslim League, in spite of its overwhelming victories in the general elections and the elections to the Constituent Assembly, could not be given a monopoly of seats in the Central Government. They went on to acknowledge the national character of the Congress, and thereby upheld its right to nominate Muslim representatives on the Interim Government.

As regards the statements which had been made by Pandit Nehru and other Congress leaders signifying their intention not to be bound by specific provisions of the Statement of May 16, the Secretary of State merely expressed the hope that there would be no such departure. This is what he said: "Having regard to the Statement of May 16, and to the Constituent Assembly elected in accordance with

it, they cannot, of course, go outside the terms of what has been agreed to. That would not be fair to the other parties who go in, and it is on the basis of that agreed procedure that the British Government have said that they will accept the provisions of the Constituent Assembly".

In the Muslim League's view, this did not provide the assurance it was seeking because no indication was given that if any such departure was made by any party, the British Government would intervene and prevent that.

League Meeting
Decision Reversed

It was in this situation that the Working Committee and the Council of the Muslim League met at Bombay nine days later (on July 27, 1946). After three days deliberation, the Council reversed (on July 29))ts earlier decision of June 6, at Delhi, and decided to reject the Statement of May 16. The Council sanctioned "Direct Action" for the achievement of the Muslim objectives. It also called upon all members of the Muslim League to renounce such titles[3] as might have been conferred on some of them by the British.

Interim Government
The Fresh Terms

On July 22, 1946, the Viceroy had written a letter to Jinnah for his secret and personal information and asking him not to divulge its contents even

[3] The names of the Muslim Leaguers who renounced the titles are given at Appendix "VI".

to his Working Committee. In this letter, the Viceroy had put forward a new basis for the formation of an Interim Government. The basis was:

1. The total number to be 14.
2. Congress to have six seats, of whom one shall be a scheduled caste.
3. Muslim League to have 5 seats.
4. Other minorities to have 3 seats, of which one should go to a Sikh.
5. No party to have any right to object to the personnel selected by the other party.
6. A convention might be established "if freely offered by the Congress" that the Interim Government would not take any decision on questions involving any major communal issue except with the consent of both the parties to the coalition.
7. The Muslim League could at a later stage withdraw from the coalition if it felt dissatisfied at the manner in which the Interim Government was functioning.

To this letter Jinnah had replied on August 31, pointing out that the terms now proposed were completely at variance with the terms of the announcement of June 16 and constituted a breach of the specific assurances given by the Viceroy in his letter of June 20. Jinnah had also informed the Viceroy that the new proposal had no chance of acceptance by the Muslim League. Therefore, on August 8, the Viceroy wrote a brief letter to M. A. Jinnah informing him that in view of the decision

of the League Council at Bombay on July 29, the Viceroy was asking the President of the Congress to make proposals for the formation of an Interim Government. An official communique to this effect was also issued on August 13, 1946.

Congress Executive Meeting at Wardha

The Congress Working Committee again met at Wardha in the 2nd week of August. The Congress President had already received the Viceroy's offer. On August 10, the Working Committee passed a resolution taking cognizance of the criticisms made and apprehensions expressed by the Muslim League in connection with the utterances of the Congress President and of other Congress leaders concerning the Constituent Assembly. The resolution declared that the Congress "accepted in its entirety" the Statement of May 16. The resolution, however, immediately went on to say that there were "inconsistencies" in that Statement and Congress had proposed certain "interpretations" to resolve these inconsistencies. The resolution also stated that questions of interpretation would be referred to the President of the Constituent Assembly for decision, and the President might in turn refer these to the Federal Court.

Because of the use of the words "accepts in its entirety" this Congress resolution was widely publicised both in India and abroad as having fully allayed the apprehensions of the Muslim League. The Muslim League view was that by insisting on "inconsistencies" in the Cabinet Delegation's Statement and by continuing to assert that Congress

would put its own interpretations on points which the Delegation themselves had declared as not open to further interpretation, the Congress had not really departed from its original plans and intentions.

Jinnah-Nehru Episode

Co-operation not possible

The Congress Working Committee at this meeting also decided to accept the Viceroy's offer made to the Congress regarding the Interim Government. On August 13, Pandit Nehru wrote to Jinnah informing him of the offer which the Viceroy has made to the Congress and formally asking for the co-operation of the Muslim League in the Interim Government to be set up under these conditions. To this letter Jinnah replied on August 15, 1946, saying:

> "If this means that the Viceroy has commissioned you to form the Executive Council of the Governor-General and has already agreed to accept and act upon your advice and proceed to constitute his Executive accordingly, it is not possible for me to accept such a position on that basis".

Jinnah, however, expressed his readiness to discuss with Pandit Nehru the settlement of the Hindu-Muslim question, and he also agreed to meet him. Pandit Nehru replied the same day saying that he had no new suggestion to make and that the immediate issue was the setting up of an Interim Government and not the settlement of the Hindu-Muslim question. The interview between the two

Presidents took place on August 15 at Bombay. Pandit Nehru offered five seats to the Muslim League in a Government of fourteen. The Congress was to include a Muslim, of its own choice, in its quota, and all the nine other seats were to be filled in by Congress nominees. Jinnah expressed his inability to co-operate on this basis.

Calcutta Carnage

Heavy Casualties

The Muslim League had announced that August 16 would be observed as "Direct Action Day" throughout India when the reasons why the League had reversed its earlier decision accepting the Cabinet Delegation's Plan, and decided to launch direct action, would be explained to the public. Everywhere else in India the day passed off peacefully but in Calcutta clashes occurred. Soon the situation developed into the greatest carnage that India had until then witnessed in peace time. According to official estimates, some 5,000 lives were lost and more than twice as many injured.

Congress in Power

Interim Government Formed

Pandit Nehru came to Delhi in the third week of August, and commenced negotiations with the Viceroy. On August 24, 1946, it was officially announced that an Interim Government had been formed and would take office on September 2. The names of 12 out of 14 members of this Government were also announced. Five of them were Congress caste Hindus, one a Congress Scheduled Caste, one

a Congress Muslim, one a Sikh, one an Indian Christian, one a Parsi and two other Muslims of Congress choice. The caste Hindu, the Scheduled Caste, the Sikh and the Indian Christian personnel, corresponded to the list which had been announced on June 16. The Parsi representative had been changed because the Congress had objected to Sir N.P. Engineer, who had been included in the June 16 list, and this was filled by a Parsi nominated by the Congress. The Congress had been able so far to secure only 3 Muslims to fill the 5 Muslim seats.

Wavell's Broadcast

Quaid-e-Azam's Reply

The same evening, the Viceroy made a broadcast, mainly directed to the Muslim League, and asking for its cooperation. He said:

"The Interim Government could be reconstructed any time that the Muslim League decided to join it, that the League could send to him 5 names for inclusion in the Government (subject to their being acceptable to him and approved by His Majesty the King), that the Muslim League need have no fear of being outvoted on any essential issue because a Coalition Government can only exist and function on the condition that both main parties to it are satisfied".

With regard to the Constituent Assembly, the Viceroy said:

> "I can assure the Muslim League that the procedure laid down in the Statement of May 16, regarding the framing of provincial and

> group constitutions will be faithfully adhered to; that there can be no question of any change to the fundamental principles proposed for the Constituent Assembly in paragraph 15 of the Cabinet Delegation's Statement of May 16 or of a decision on a main communal issue without a majority of both major communities".

But the Viceroy also added immediately afterwards:

> "The Congress are ready to agree that any dispute of interpretation may be referred to the Federal Court".

On August 26, Jinnah replied to this broadcast, and made the following points:

1. By forming a Government only of Congress and its nominees, the Viceroy had struck a severe blow to the Muslim League and Muslim India.
2. This step was fraught with dangerous and serious consequences because it had only added insult to injury.
3. The Viceroy's offer to the Muslim League to join the Interim Government already set up was vague except that the Muslim League could send 5 representatives to it.
4. The provisions laid down in the Statement of May 16 regarding the framing of provincial and group constitutions were not merely "a matter of procedure but it was fundamental and basic".

5. The Viceroy had not made it clear whether these fundamental and basic provisions could be changed in any way whatsoever.
6. The willingness of Congress to refer disputes of interpretations to the Federal Court was no solution, because firstly there was no provision for such a dispute to be referred to the Federal Court, and secondly it would mean that on the very threshold of the Constituent Assembly the parties would fundamentally differ in their interpretations regarding the basic terms.
7. To begin the proceedings of the Constituent Assembly with litigation and law suits in the Federal Court could not augur well for a body which was supposed to frame the future Constitution affecting 400,000,000 people.
8. The Viceroy could, however, if he was sincere and in earnest translate the offer underlying his broadcast into concrete proposals by his deeds and actions.

The Interim Government constituted with Congress nominees only, was installed in office on September 2.

Black Day

Muslim Observance

The Muslim League had decided to observe the day as a day of protest and had asked Muslims to hoist black flags on their houses and places of

business "in silent contempt for the Hindu Government". In most places the observance of the "Black Day", as it was popularly called by Muslims, passed off without any untoward incidents, but in Bombay riots occurred and increased the intensity. Since then, Bombay never really returned to normal and sporadic stabbing incidents and acts of arson continued to occur almost daily. Some 1,000 lives were lost. There was trouble also in a number of other places. It may be stated here that in the city of Ahmedabad communal riots had broken out as long ago as July 1946 and continued without fitful interludes of peace.

Official Muslim League reaction to the setting up of a purely Congress Government was voiced by Jinnah himself on August 29 (when it was certain that on September 2 such a Government would come into being). Addressing an Eid festival gathering at Bombay, he said:

> "Muslim India is stunned and shocked for the moment by the gross and wicked betrayal by the British Government who had made a solemn pledge in its declaration in August 1940 that no transfer of power would take place unless there was agreement by the major parties and other major elements in the national life of this country. That declaration laid down clearly that not only the new Constitution would not be framed except by agreement between Hindus and Muslims but that even the machinery to draft the new Constitution would not be brought into being unless

> there was agreement between the major elements in the national life of this country. Today that solemn declaration has been torn to pieces by the British Government and it is no doubt a severe blow to the Muslim League and Muslim India. But I am confident that nothing is going to shake us or frighten us. We shall march on and face all obstacles and march through fire, trials and tribulation. In our onward march there will be setbacks and sufferings but we will not flinch or falter".

Double Betrayal

Lord Wavell Criticised

Jinnah criticised the action and policy of the Viceroy and said that the Viceroy had committed a double betrayal in going back on his solemn words and in ignoring and bypassing the Muslim League. He added:

> "I do not know whether the British Government or the Labour Party are really in possession of the true facts but I suspect that there is a move to black out the facts from the British public and press. The Viceroy's action today is nothing but a wicked breach of the declaration of August 1940, made by the British Government to which the Labour Party was committed. Today Congress is happy in having achieved its heart's desire and in having manoeuvred to get the Viceroy to bypass the Muslim League. But I am also equally happy. If the British Government is happy

> to have tickled the vanity of Congress let it strike a bargain with Congress. We are prepared for it".

Jinnah concluded:

> "I cannot understand how the Secretary of State for India, in that position with his two eminent colleagues and the Viceroy committed in cold blood a breach of faith and broke their solemn words. Having betrayed the Muslim League, the Viceroy has now completed the pre-arranged conspiracy with Congress and finally bypassed the Muslim League".

The manner in which the purely Congress Interim Government began to function, the effect it had on Hindu officials on the one hand and on Muslim officials on the other, the exultation among the Hindus and bitterness among the Muslims which its assumption of office created, are matters not germane to this narrative, although they have a vital bearing on the further bloodshed which occurred later.

On September 16, the Interim Government announced that the Constituent Assembly would be summoned to meet in New Delhi on December 9, 1946, thus showing that Congress was determined to go ahead with the long-term plan also without the co-operation of the Muslim League. On September 24, Pandit Nehru replying to a telegram from Assam Congressmen, declared that a province could

at the outset agree or not agree to join a group. Pandit Nehru's reply which was published in the press, read as following:

> "I do not think there is any necessity for you to be perturbed by my recent broadcast. There seems to be confusion between a section and a group. At no time have we refused to go into sections to discuss matters, but the question of forming groups is another matter and it is for a province to agree or not".

Another Effort

Wavell - Jinnah Talks

In the second week of September, 1946, the Viceroy invited Jinnah to New Delhi for further talks by way of a fresh effort to secure the Muslim League's participation in the Interim Government. Jinnah accepted the invitation and a series of interviews between Lord Wavell and himself followed. While these talks were in progress a letter written by Pandit Nehru to G.N. Bardoloi, Assam Premier, was published in the press. Relevant extracts are as follows:

> "Having accepted the document of May 16, we have inevitably to accept going into sections, but the question is as to how we shall function in these sections. You are right in saying that I did not go into this matter in my broadcast, because I did not wish to raise controversial issues there. But our position is clear. Provincial autonomy must be maintained and the Province must decide both about

> grouping and about its own Constitution. It is true that we have accepted the Federal Court's decision with regard to the interpretation and we must abide by that decision of ours. But in no event are we going to agree to a Province like Assam being forced against its will to do anything".

This was an unambiguous repudiation of the Cabinet Delegation Plan's specific provisions relating to groups.

A Peace-Maker

The Role of the Nawab of Bhopal

Meanwhile, the Nawab of Bhopal, Chancellor of the Chamber of Princes, came on the scene as an intermediary between the League and the Congress. As a result of his efforts, which lasted several days, there were two Jinnah-Nehru meetings. Eventually the talks broke down because the formula, agreed to by M.K. Gandhi in writing and later by Jinnah, was repudiated by Pandit Nehru. This formula being the basis of the discussions that were going on between Jinnah and Pandit Nehru, the talks could not proceed. Relevant facts regarding this can be gleaned from the following extract contained in a letter written by Jinnah to Pandit Nehru on October 7. The most important point to note is that Gandhi first agreed to a formula and then backed out of it. Extracts from Jinnah's letter:

> "I am in receipt of your letter of October 6 and I thank you for it. I appreciate and reciprocate your sentiments expressed in paragraph one of your letter. With regard to the

second paragraph of your letter, point No. 1, the formula; it was accepted by Gandhi and me, and a meeting between us was arranged on that basis, in order to negotiate and settle the few other points remaining for the purpose of reconstituting the Interim Government. The formula runs as follows:

> Congress does not challenge and accepts that the Muslim League now is the authoritative representative of the overwhelming majority of the Muslims of India. As such and in accordance with democratic principles, they alone have today the unquestionable right to represent the Muslims of India. But Congress cannot agree that any restriction or limitation should be put upon Congress to choose such representatives as they think proper from amongst the members of Congress as their representatives.

And now in your letter under reply, not only you have made changes in it, but you consider that no formula is necessary. I regret that I cannot agree to any change in language or otherwise as it was the agreed basis of our discussion on other points; nor can I agree with you that no formula is necessary. It was signed by Gandhi and accepted by me. As the whole basis of our talk on the other matters was the formula agreed to by Gandhi, I do not think we can make any further progress unless it is accepted by you as a basis

upon which we can proceed to discuss the other points which we have already discussed orally in the course of our conversation".

Modified Offer

League's Acceptance

Jinnah then had further discussions with the Viceroy and received better satisfaction on certain points than he had earlier. The League Working Committee accordingly decided in favour of participation in the Interim Government, which was reconstituted and the league Members assumed office on October 25, 1946. The league quota of 5 included a representative of non-Congress Scheduled Caste.

Novel Experiment

League Assumes Office

On the same day that the Muslim League assumed office, Liaquat Ali Khan, leader of the League Bloc in the Government and Finance Member, explained at a press conference, in New Delhi, the reasons which had prompted the League to join the Government and the policy which the League intended to pursue within it. Quoted below are relevant extracts in regard to the constitutional position:

> "This Government has been formed under the present Constitution, as such and there is no such thing as joint or collective responsibility. But at the same time it should be the desire and determination of every member of the Government to work in harmony and co-ope-

ration for the good of the man in the street, and not for the purpose of our party gains. If all members of the Government work in that spirit, this Government should be able to achieve a substantial success.

Nowhere in the world does a Government like the present Interim Government of India exist. It is a novel experiment and we have come into the Government with the intention of working in harmony with our other colleagues, but you cannot clap with one hand".

Jinnah Explains

Talk to Foreign Press

Two weeks later, Jinnah himself spoke on the subject. In an interview to a foreign press correspondent in New Delhi, on November 9, he said:

"The Muslim League has not agreed to the basis of the scheme for the Interim Government. It has been imposed by a decision of the Viceroy with the authority of His Majesty's Government. Congress went into the Interim Government and manoeuvred to get the British Government to ignore and bypass the Muslim League and it would have been fatal to our interests if they had been left there in sole charge of the administration. We were, therefore, forced to nominate our five sentinels to watch over and safeguard Muslim interests. The Muslim League has decided to go into this arrangement in the exercise of their rights

under the decision taken by the British Government in order to safeguard their interest in the day to day administration under the present Constitution which was enacted as far back as 1918 and according to which the present Executive Council of the Governor General is functioning".

The Coalition

Uneasy Partnership

This League-Congress coalition proved, from the start, to be an uneasy partnership. The League had joined the Government in its own right, not on Congress sufferance; nor had it accepted the leadership of the Congress within the Government. This is what the Congress resented and a spate of statements by Congress leaders and editorials in Congress newspapers followed, in which the League was criticised for having come in "on the Viceroy's terms" instead of on the Congress terms. To make matters worse, the Congress, during the five weeks it had alone been in office, had set up certain "conventions" which the League declined to recognise. One of these was the leadership of the Government by Pandit Nehru, because of the fact that he had been appointed by the Governor-General as Vice-President of the Executive Council. Another was the practice of private meetings of all Members of Government at the residence or office of the leader, and at his summons for the purpose of deciding all matters on the agenda for the next Cabinet Meeting in advance of that meeting.

The Muslim League had always insisted upon the new Government being regarded as within the framework of existing Constitution because it maintained that if any innovations were introduced or conventions warranted by the Constitution were established, it would prejudice the future Constitution by the setting up precedents. Thus if the League accepted the leadership of Pandit Nehru, that is of the Congress party, it would indirectly accept its relegation to the position of a secondary, not an equal partner in the Government. To do so would be to commit the League to agree to any similar arrangement that might be proposed at the proper time and place in connection with the importance and relative position of the two major parties vis-a-vis the future Constitution for the Centre. For the same reason, the League could not consent to the short-circuiting of the regular and established procedure of deciding Cabinet matters at formal Cabinet Meetings.

It may be mentioned that the office of Vice-President, of which so much was and is still made in certain quarters since Pandit Nehru's appointment to it, is nothing new. The Governor-General's Executive Council had always a Vice-President, appointed by the Governor-General in the same way and for the same purpose as Pandit Nehru was appointed. Under the existing Constitution, the Vice-President's sole function is to preside at meetings of the Council in the absence of the Governor-General. Neither in law nor in fact has Pandit Nehru any special power or privilege because of his being Vice-President

of the Council which other members of the Government do not possess. Both he and the Congress insisted that conventions outside the Constitution should be created by endowing the Vice-President with powers analogous to those exercised by Prime Ministers. To this the League did not agree, for reasons already explained.

Another reason which prevented the two blocs from working in harmony was the misuse by the Congress Home Member of the machinery of Government propaganda for purely party ends. From the day the Congress assumed office, the All-India Radio became actively pro-Congress and anti-Muslim League. It ceased to be a news organization but functioned as a vehicle of party propaganda. Even after the Muslim League joined the Government, the policy of the Congress-directed radio still remained partisan. Public criticism and protests by Muslims made no impression on Vallabhbhai Patel, the Congress Member of the Government, incharge of the Department that controlled the radio.

Riots Flare up

Killings Everywhere

Meanwhile, Hindu-Muslim rioting had continued unabated in Bombay taking toll of life and property almost every day. Ahamedabad had periods of lull, broken frequently by recrudescence of killing, looting and arson. Stabbing and rioting had also occurred in several cities, towns and villages of the United Provinces, Bihar, Central Provinces

and Madras. In places like Allahabad and Cawnpore, acts of violence had become chronic. Calcutta remained to report stray cases of stabbing and in Bengal's second city, Dacca, there was serious trouble. This was followed by a sudden flare-up in the district of Noakhali, in Eastern Bengal in the second week of October. A large number of Muslim boatmen from Noakhali who used to ply their profession in the canals of Calcutta and in the river Ganges had been killed during the Calcutta carnage of August. When the news reached their people at home they were angered. It is alleged that a local Muslim who had been once a member of the Legislature went about preaching revenge. He is now awaiting trial, and his guilt or innocence is for a Court of Law to decide. It is, however, an important fact that he had been pro-Congress. He had voted against the Muslim League Ministry and helped to bring about its fall in the spring of 1945 elections on the ticket of a Congress-supported organization called the "Jamiat" and had been defeated by the League candidate.

In the Noakhali disturbances which spread to two small sub-divisions of the neighbouring district of Tippera, not more than 200 Hindus were killed. But the Hindus were so panicky that thousands of them fled from their homes although far from the disturbed areas, often leaving their women and children behind and thus they created a difficult situation The Hindu leaders, including Gandhi, and the new Congress President, Acharya Kirpalani,

issued statement after statement grossly exaggerating the casualties. The Hindu press gave wide and repeated publicity to the most fantastic reports.

Noakhali

Truth is told

For an accurate understanding of the actual occurrences in Eastern Bengal, it is necessary only to refer to statements made by such authoritative sources as: (a) the Governor of Bengal, (2) the General Officer Commanding, India Eastern Command, and (3) the European District Magistrate of Noakhali. Following is an extract from a report[4], circulated by Reuters News Agency, concerning number one mentioned above:

> "The Governor of Bengal, Sir Frederick Burrows, in a report read to the House of Commons today said that he expected the number of dead from the rioting in East Bengal to be low in the three figure category".

The report was read by the Under Secretary for India, Arthur Henderson, in reply to a quest for information by Godfrey Nicolson (Cons). Arthur Henderson said that during the week-end, the Governor with his Chief Minister made two extensive flights over the affected area in south-east Bengal and reported last night to the effect "there was no general rising of Muslims against Hindus.

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[4] This report was published in the newspapers on October 21, 1946 and its date-line was London.

The disturbances have been caused by a body of hooligans who have exploited the existing communal feeling".

At a press conference in Calcutta on October 26, General Buchar, the G.O.C. said:

> "The accounts published about the situation in Noakhali are grossly exaggerated. I am emphatic that there has been no rising of Muslims against Hindus".

The District Magistrate of Naokhali, E.F. McLnerney told the Associated Press of India, on October 28:

> "I consider it most important to emphasise that the recent disturbances have not been an uprising of one community as a whole against the other. Members of the two communities of Noakhali know it very well that friendship between them is not only possible but it exists. Arson, looting and killing which went on were the work of hooligans who were not supported by the bulk of the majority community of the area. In some cases they actually opposed it.
>
> The District Magistrate described the reports appearing in the newspapers as grossly exaggerated, and continued "it has been said that a large number of people were killed in the house of Rai Saheb Rajendra Lal Roy of Begamganj area, but in fact the total number of deaths at the place was 25, including 21 at the Rai Saheb's house. McLnerney said that the total number of deaths so far known to have occur-

red in the district was between 70 and 80. Rape, abduction and forcible marriages were rare and no such cases had been brought to my notice."

Asked about the causes that led to the recent lawlessness, McLnerney said that the political situation in the country, economic inequality between the two communities in parts, the present rising against mahajans and landlords, and at places mere hooliganism, contributed largely to the disturbances.

It may be added that in course of a statement in the House of Lords on November 27, 1946, Lord Pethick Lawrence gave the number of deaths in Noakhali and Tippera as 133 and added that the final figure is not expected to exceed 200.

Hindu Vendetta

Great Bihar Massacre

The propaganda of exaggeration of Eastern Bengal incidents, however, went on. In the neighbouring provinces of Bihar, well-known Congress leaders and members of the Legislature went about inciting Hindus to revenge against Muslims. The result was the most terrible massacre ever witnessed in India. Hindus of the five districts of Saran, Patna, Gaya, Monghyr and Bhagalpur in Bihar province rose against the Muslims. The uprising began on October 27, in Chapra, District Saran, and not until about a week later was the first shot fired by the military upon the great hordes of

killers, looters and incendiaries who had by then destroyed hundreds of villages and killed thousands of men, women and even babies-in-arms.

In his statement in the House of Lords, already referred to, Lord Pethick Lawrence estimated the number of killed in the Bihar Massacre at 5,000. Independent investigation by Muslim League leaders, among whom was a former Defence Member of the Viceroy's Council, a former Prime Minister of Bengal and a sitting Mayor, estimated the death roll to be in the region of 30,000. Another significant fact needs mention. According to a report by the Governor of Bengal, in Noakhali women and children were generally spared. In Bihar, on the contrary, the women and children suffered most. Outrages committed on them are beyond description. Eye-witnesses who escaped to refugee camps after having seen their dear ones tortured and massacred before their eyes narrated harrowing stories. It is also significant that although the Bengal Muslim League Government had set up an independent Commission of Inquiry headed by Sir Patrick Spens, Chief Justice of India, the Bihar Congress Ministry refused to hold any independent judicial inquiry into the Bihar massacres.

Garh Mukhteswar

Three-day Holocaust

Almost simultaneously, on November 6, 7 and 8, 1946, another terrible massacre took place at Garh Mukhteswar in the Meerut District of the United Provinces, some 55 miles from Delhi. Without warning, one mid-night hordes of hooligans

suddenly started killing, burning of shops and asaulting women. Then the mobs moved to the neighbouring township of the same name, and carried on the orgies. Not a shot was fired by the police. The loss of life here is estimated to be nearly 2,000. This brief narration of some of the ghastliest tragedies that took place in spite of the Congress and the Muslim League being both in the same Central Government, will give an idea of the situation, which no patch work expedient could improve.

To continue with the political narrative it has been seen already that Congress had *not* welcomed the League's entry into the Government. Having failed to persuade the League, to accept the leadership and the superior position of the Congress, the symptoms of this internal rift soon began to manifest themselves externally.

After a tour of Calcutta and the riot-affected areas of Bihar, Pandit Nehru as Leader of the Legislative Assembly made a statement on the riots in that Legislature. Muslims criticised the statement as biased and inaccurate in many particulars. A few days later, another member of the Interim Government, Sardar Abdur Rab Nishtar (Muslim League), in his capacity as Leader of the House in the Council of State made a statement on the same subject in that Legislature. This was in several material points at variance with Pandit Nehru's earlier statement. It may be mentioned here that Pandit Nehru and Sardar Nishtar had together toured Bihar. Immediately Sardar Nishtar sat down, a Congress colleague of his, Dr. Rajendra

Parsad, also member of that House made a statement of his own, which again was in conflict with the statement of Sardar Nishtar.

Meerut Congress

Pandit Nehru hits out

Then came the Merrut Session of the Congress and Pandit Nehru utilised the occasion to launch his attack publicly against his Muslim League colleagues of the Government. He was immediately answered by Liaquat Ali Khan, Leader of the Muslim League bloc and Finance Member. Their respective statements are reproduced below.

Speaking at a meeting of the Congress Subjects Committee on November 21, Pandit Nehru, inter alia, said:

> "As soon as the League came into the Interim Government, they changed the procedure. The Cabinet system began to break down. The Leaguers said "they were a separate bloc". If there are blocs in the Government, how can it work? During the past few weeks, thing have gone to such an extent that we were on the point of resigning. I had to tell the Viceroy on two occasions that we wanted to resign from the Government. I do not know what will happen in the future, but this much I want to tell you that if the present state of affairs continues, a struggle is imminent, whether we are in the Interim Government or outside it. There is a conflict

> of ideologies. I want to say that our patience is strained to breaking point and if these things continue, they will lead to a big struggle. The Viceroy was gradually removing the wheels of the car. In any case the situation was critical, but nevertheless we must stay in the Interim Government, though one could not say for how long".

Interim Government

An open breach......

On the following day, Liaquat Ali Khan issued a press statement saying:

> "I greatly regret that Pandit Nehru should have thought fit to indulge in an incontinent outburst against his Muslim League Colleagues in the Government in the course of his speech at the Subjects Committee meeting of the Congress at Meerut, on Thursday, November 21. He is reported to have said that ever since its entry into the Government, the League has pursued its aim to enlist British support and that after coming to the Government, the League had been endeavouring to establish itself, as the King's Party in the Government.
>
> Since the Muslim League entered the Interim Government, its representatives have not invoked on a single occasion the special powers of the Governor-General or asked for his or His Majesty's Government's intervention in

> any matter. I challenge Pandit Nehru to cite a single instance to substantiate his allegations. If Pandit Nehru's discomfiture is due to the fact that the Muslim League bloc has refused to recognise the fiction of his leadership of the Government, then I can only sympathise with him. The Viceroy has made it clear in his public declaration that the Interim Government has been formed under the present Constitution which does not provide for any such leadership of the Government or for any position analogous to that of Prime Minister".

At the same meeting of the Congress, Patel and other Congress leaders had also made speeches demanding that the Viceroy should call upon the Muslim League Members of the Interim Government to resign because the League had not reversed its decision of July 29, rejecting the Cabinet Delegation's Statement of May 16. Pandit Nehru issued a rejoinder to Liaquat Ali Khan. The answer to these was furnished by Ghazanfar Ali Khan, a Member of the Interim Government, in a press statement on November 24, which is worth quoting in extenso. He said:

> "The contributions which Pandit Nehru makes from time to time to the political controversy in the country are not to be taken seriously. He is in the habit of making impulsive statements without clearly understanding either his own party's position or that of others. For instance he has published extracts from his

correspondence with the Viceroy with the air of having scored a point. According to what he has released to the press, the Viceroy said in his last letter dated October 23 to him: "I have made it clear to Mr. Jinnah whom I have seen today that the Muslim League's entry into the Interim Government is conditional upon acceptance of the scheme of the Cabinet Delegation contained in their statement of May 16, and explained in their Statement of May 25 and that he must call his Council at an early date to agree to this". I have no knowledge of what the Viceroy might have told Mr. Jinnah during this meeting but does Pandit Nehru not understand the meaning of the phrase "scheme of the Cabinet Delegation contained in the Statement of May 16 and explained in their Statement of May 26". Let me quote an extract from the explanation of May 25. "The reasons for the grouping of the Provinces are well-known and this is an essential feature of the scheme and can only be modified by agreement between the parties. The right to opt out of groups after the Constitution-making has been completed would be exercised by the people themselves, since at the first election under the new Provincial Constitution, this question of opting out obviously will be a major issue and all those entitled to vote under the new franchise will be able to take their share in a truly democratic decision". Acceptance of the long-term plan does not

mean the mere act of sitting in the Constituent Assembly but to follow certain procedure and principles. Congress refuses to follow these principles. What is therefore the use of the Muslim League's going into the Constituent Assembly?

As far as teamwork is concerned, I am afraid that Pandit Jawaharlal Nehru himself is the greatest offender against the spirit of teamwork. He does not know how to work with others on terms of equality. To quote only two glaring instances, he was recently questioned in the Central Legislative Assembly about communal disturbances in the areas which he and these other Members of the Interim Government had visited. Jawaharlal did not have the courtesy of consulting his colleagues before making a statement in the House. Was this teamwork? The second instance of his utter incapacity to work in a team with others is of course his unwarranted and irresponsible outburst against his colleagues which had led to the present controversy".

Consembly Session

Summoning Opposed

Meanwhile, on November 21, 1946, Jinnah had issued a statement criticising the Viceroy for summoning the Constituent Assembly on December 9 and had asked Muslim League members not to attend it. He had said:

"I deeply regret that the Viceroy and His Majesty's Government have decided to summon the Constituent Assembly on December 9. In my opinion it is one more blunder of a very grave and serious character. It is quite obvious that the Viceroy is blind to the present serious situation and the realities facing him, and is entirely playing into the hands of Congress and is appeasing them in complete disregard of the Muslim League and the other organizations and elements in the national life of the country.

In these circumstances, it is obvious that no representative of the Muslim League will participate in the Constituent Assembly and the Bombay Resolution of the Muslim League Council, passed on July 29, stands. By forcing this meeting of the Constituent Assembly, the matter has been further exasperated and a situation has been created which will lead to serious consequences. I want to make it clear that no representative of the Muslim League should attend the Constituent Assembly summoned to meet on December 9, 1946".

Another significant fact which threw a flood of light on the bloodshed in India was the outspokenness of Vallabhbhai Patel in his speeches at Meerut. He asked Muslims to "examine the balance sheet" and to reflect. He was referring to the numbers of Hindus and Muslims killed respectively in Bengal and Bihar. Patel also said: "The sword will be met with the sword".

Dramatic Move

London Conference

This bloodshed and the state of affairs inside the Interim Government appear at least to have persuaded the British Government to bestir themselves. They made a dramatic move. They invited the Viceroy, two Congress, two Muslim League and one Sikh leader to visit London for fresh discussions. Invitations were issued to Jinnah, Liaquat Ali Khan, Pandit Nehru, Patel and Sardar Baldev Singh. After some preliminary hitch, the invitation was accepted by all except Patel. The Viceroy and the Indian leaders arrived in London on December 3. A series of consultations were held, after which the British Government issued the following statement on December 6:

> "The conversations held by His Majesty's Government with Pandit Nehru, Jinnah, Liaquat Ali Khan and Sardar Baldev Singh, came to an end this evening (6th December) as Pandit Nehru and Sardar Baldev Singh are returning to India tomorrow morning. The object of conversations has been to obtain the participation and cooperation of all parties in the Constituent Assembly. It was not expected any final settlement could be arrived at, since the Indian representatives must consult their colleagues before any final decision is reached. The main difficulty that has arisen has been over the interpretation of paragraph 19 (v) and (viii) of the Cabinet

Mission's Statement of May 16 relating to the meetings in Sections which run as follows:

Paragraph 19 (*v*):

These Sections shall proceed to settle Provincial Constitutions for the Provinces included in each Section and shall also decide whether any group constitution shall be set up for these Provinces and if so with what provincial subjects the group should deal. Provinces should have power to opt out of groups in accordance with the provisions of sub-clause (viii) below.

Paragraph 19 (*viii*):

As soon as the new Constitutional arrangements have come into operation it shall be open to any Province to elect to come out of any group in which it has been placed. Such a decision shall be taken by the legislature of the Province after the first General Election under the new Constitution.

The Cabinet Mission have throughout maintained the view that the decisions of the Sections should, in the absence of agreement to the contrary, be taken by simple majority vote of the representatives in the Sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the Statement read as a whole is that the Provinces have a right to decide both as to grouping and as to their own Constitutions.

His Majesty's Government have had legal advice which confirms that the Statement of May 16 means what the Cabinet Mission have always stated was their intention. This part of the Statement as so interpreted must therefore be considered an essential part of the scheme of May 16, for enabling the Indian people to formulate a Constitution which His Majesty's Government would be prepared to submit to Parliament. It should, therefore, be accepted by all parties in the Constituent Assembly.

It is, however, clear that other questions of interpretations of the Statement of May 16 may arise and His Majesty's Government hope that if the Council of the Muslim League are able to agree to participate in the Constituent Assembly, they will also agree, as have the Congress, that the Federal Court should be asked to decide matters of interpretation that may be referred to them by either side and will accept such decision so that the procedure both in the Union Constituent Assembly and in the Sections, may accord with the Cabinet Mission's plan.

On the matter immediately in dispute, His Majesty's Government urge the Congress to accept the view of the Cabinet Mission in order that the way may be open for the Muslim League to reconsider their attitude. If in spite of this re-affirmation of the intention of the Cabinet Mission, the Constituent Assembly

> desires that this fundamental point should be referred for the decision of the Federal Court, such reference should be made at a very early date. It will then be reasonable that the meetings of the Sections of the Constituent Assembly should be postponed until the decision of the Federal Court is known.
>
> There has never been any prospect of success for the Constituent Assembly except upon the basis of an agreed procedure. Should a Constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's Government could not of course contemplate as the Congress have stated, they would not contemplate forcing such a Constitution upon any unwilling part of the country.

Meanwhile on December 9, the Constituent Assembly had met in Delhi, all the 75 Muslim League Members being absent. On December 12 and 13, a debate on India took place in the Commons and on December 16, in the Lords. On the later occasion, Lord Pethick Lawrence further amplified the British Government's intention not to allow any departure from the correct interpretation of the contested clauses of the May 16 Statement, except on the basis of agreement between the major Indian parties. He also announced that even if the Federal Court, on being appealed to, gave an interpretation different to the Government's, the Government would adhere to their own.

Congress Reactions

Pandit Nehru's Move

These renewed clarifications by the British Government of the interpretation of vital and fundamental clauses of the Cabinet Delegation's Plan of May 16 threw the onus of accepting or rejecting it on the Congress. The following subsequent facts show how Congress reacted. In the course of his speech at a mass meeting in Benaras on December 15, after his return from London, Pandit Nehru said:

> "Whatever form of Constitution we may decide in the Constituent Assembly, will become the Constitution of free India whether British accepts it or not. The British Government are thinking that the Constituent Assembly's decisions are not binding on her. But we have not entered the Constituent Assembly in order to place our decisions on a silver plate and dance attendance on the British Government for their acceptance. We have now altogether stopped looking towards London. We know that we shall settle these decisions ourselves. We cannot and will not tolerate any outside interference".

In the Lords debate on December 16, already referred to, the Secretary of State's attention being drawn to Pandit Nehru's speech on the previous day, Lord Pethick Lawrence said:

> "I certainly would not minimise the gravity and importance of the remarks attributed to

> him (Pandit Nehru). I will only say that the position of the Government remains unchanged".

On December 22, the Congress Working Committee, issued a statement which said that "a reference to the Federal Court is in the present conditions uncalled for, unbecoming and unsuited to the dignity of the Congress and the Federal Court". Earlier Pandit Nehru moved in the Constituent Assembly a resolution proclaiming the Assembly's objective to be "an independent Sovereign Republic of India". After several days' debate, the Assembly adjourned without taking any decision on the resolution.

In a letter to the Secretary, Assam Provincial Congress, published in the Indian press about November 21 and 22, 1946, Gandhi stated.

> "As soon as the time comes for the Constituent Assembly to go into sections, you will say: Gentlemen, Assam retires. I have striven all this time to give you courage. If you do not act correctly now, Assam will be finished. Tell Bardoloi (Assam Premier). I do not feel the least uneasiness. My mind is made up".

League Reaction

Jinnah's Press Conference

The Muslim League's reaction to the situation resulting from the London talks of December and the consequent statement made by the British Government on December 6, was that it was now

for Congress to accept or reject it. Not until the Congress had done one thing or the other in unequivocal terms was the League called upon to make any move. Jinnah declared at a press conference, in Karachi, on December 21.

> "Unless and until Congress unequivocally accepts the interpretation which has been categorically and definitely put by the British Government in their Statement of December 6, on the Cabinet Mission Plan of May 16, there is no occasion for me to call a meeting of the Muslim League Council for revising its previous decision to boycott the Constituent Assembly".

The decision taken at Bombay by the Muslim League on July 29, rejecting the Statement of May 16, was due to the fact that the other two parties to the affair, the Congress and the British, had not played fair, the Congress having formally accepted the British Plan, but having made so many reservations regarding fundamental points that it was no acceptance at all; and the British Government having allowed Congress to put these interpretations contrary to their own without clearing up the matter.

By issuing their statement of December 6, the British Government at last admitted that the Muslim League's interpretation had been the correct one. They also made it clear that decisions taken by a purely one-party Constituent Assembly could not be accepted as binding on Muslim majority areas. But the other intransigent, the Congress, had also

to accept the true interpretation of the fundamentals of May 16 Plan before the League could consider any revision of its policy of non-participation in the Constituent Assembly.

Congress "No"

More Qualifications

With the advent of 1947, the tempo of political events quickened. The first important stage following the London Conference and the British Statement of December 6, was resolution passed by the All-India Congress Committee as a result of its deliberations held on January 6 and 7, 1947. In this resolution and in the course of speeches made in support of it, the Congress again introduced important qualifications with regard to the two major points which the December 6 Statement had clarified and which Congress had been, once again, asked to accept unequivocally.

The resolution said that, inter alia:

> "It must be clearly understood, however, that this must not involve any compulsion on a province and that the rights of the Sikhs in the Punjab should not be jeopardised. In the event of any attempt at such compulsion, a province or part of a province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned".

This meant that the principle of decisions by simple majority in the Sections was not accepted by Congress. With regard to the second important

point namely that all other matters of dispute would be referred for decision to the Federal Court, Pandit Nehru said in his speech:

> "Apart from this, in view of recent developments and the Statement of December 6, which produces a new situation I am not prepared to admit for an instant that we have agreed to any future procedure about references. Whatever the future brings we shall have to consider it. I should like to make it perfectly clear that we are giving no assurance about any references in regard to any other matters to the Federal Court. We find that every thing we say is being twisted and distorted and brought against us in the future. We are not going to commit ourselves at the present moment to any reference to the Federal Court or to any other authority. We shall decide or the Constituent Assembly shall decide, as we think best in the circumstances".

Meanwhile, the political atmosphere became once again electrified by the sudden arrest of most of the top-ranking leaders of the League in the Punjab, on Friday, January 24, 1947. The Punjab Government had been imposing one restriction after another on civil liberties. On that day, they declared the Muslim League National Guards as unlawful assembly and the police swooped down on the Guard Headquarters in Lahore. The League leaders resisted the search and courted arrests.

Thus began a movement which was to become so irresistible and so wide-spread as to result ultimately in the resignation of the Tiwana Ministry holding office with Congress support. It is remarkable that this movement in which hundreds of thousands of people participated every day in every part of the Punjab, remained throughout non-violent, non-communal and peaceful.

League Resolution

Meeting in Karachi

The Muslim League Working Committee met in Karachi on January 29 and 31, 1947. It adopted and passed a 3,000-word resolution. The resolution maintained that the Congress as a major contracting party had not accepted the Statement of May 16, 1946, as qualified by the Statement of His Majesty's Government of December 6, and the Committee, therefore felt that no useful purpose would be served by the summoning of the Council of the All-India Muslim League to reconsider the decision taken by the Council at Bombay on July 29. The League Working Committee called upon the British Government to declare that the Constitutional Plan formulated by the Cabinet Mission had failed because the Congress had not accepted it nor had the Sikhs nor the Scheduled Castes. The Working Committee expressed the view that the elections to and the summoning of the Constituent Assembly had been "ab initio" void, invalid and illegal and its proceedings and decisions were ultra vires, invalid and illegal and therefore the Constituent Assembly should be forthwith dissolved.

New H.M.G. Move

February 20 Statement

This sealed the fate of the Cabinet Mission's Plan and the Statement of May 16. The next move was made by the British Government by their Statement of February 20. On that day the British Prime Minister, Clement Attlee, made a statement in the House of Commons, the main points of which were as follows:

1. The British Government declared their definite intention to take necessary steps to transfer power to responsible Indian hands by a date not later than June, 1948.
2. They restated that the Constituent Assembly, if it were to function under the Cabinet Mission's Plan, must be fully representative, which it was not.
3. The British Government declared that they would negotiate agreements in regard to matters arising out of the transfer of power with representatives of those to whom they proposed to transfer power.
4. The British Government admitted that there was no prospect that any constitution agreed to by all the parties of India in accordance with the Cabinet Mission's Plan would emerge.
5. The British Government declared their intention to transfer power either to one Central Government or in some areas to

the existing Provincial Governments or in such other way as might seem most reasonable.

6. It was announced that Lord Wavell had resigned and Lord Mountabatten had been appointed Viceroy and Governor-General of India.

Punjab Movement

Victory for League

Meanwhile the Punjab civil disobedience movement had been going on peacefully but in full swing. Some of the Punjab leaders had visited Karachi to acquaint Jinnah with the situation. Thereafter Jinnah issued a statement on February 24 outlining the scope of settlement "honourable to both sides"—the Punjab Government and the Muslim League. Two days after, the Punjab Government made peace with the Muslim League, on the line which had been suggested by Jinnah, and the civil disobedience movement was called off and the League leaders together with thousands of others, who had been arrested and detained, were released.

Socialist Budget

And its Sequal

The next important event which needs mention is the presentation by Liaquat Ali Khan, the first Indian Finance Member, of his sensational "Socialist Budget" on February 28, 1947, in the Central Assembly. The Budget proposed a heavy business profits tax, a tax on capital gains, an increase in the

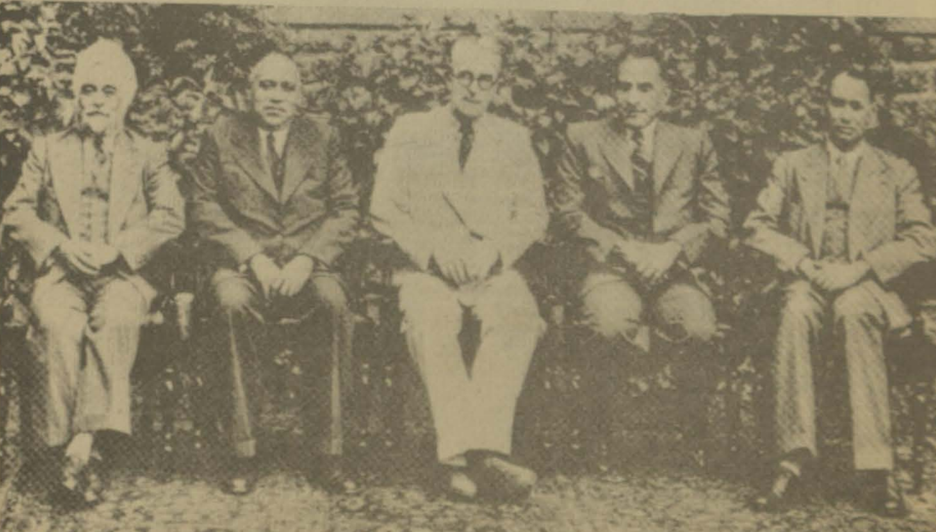


Quaid-e-Azam shaking hands with Lord Wavell, the Viceroy, while members of the Cabinet Mission look on. (below) with the last Viceroy, Lord Louis Mountbatten.





Pakistan won freedom at a terrible price. Partition hurled millions of wretched people onto the roads, the railways and the unharvested fields of the Punjab in the greatest migration in human history. The Muslims streamed out of India in the terrible autumn of 1947. Massacred by marauding banks, assailed by heat, hunger, thirst and fatigue, countless thousands never reached safely. (below) Cir Cyril Radcliff (centre) who demarcated the boundry lines.



income-tax slabs and an investigation into the original of "big money". This precipitated another Cabinet crisis, because the Congress Members of the Interim Government, although they had agreed to the budget proposals when they were discussed in the Cabinet, subsequently yielded to the pressure of the capitalists and others and attempted to whittle the budget proposals down in various ways in order to deprive them of their socialist character. Eventually, however, compromise was reached, but not before it had been demonstrated to the whole world that the political and social ideologies of the Congress and the Muslim League were so divergent and conflicting that they could never possibly work together.

N.W.F.P. Movement

Pathan Awakening

Meanwhile a civil disobedience movement had been started by the Muslim League in the North-West Frontier Province, where also the Congress Ministry had been ruthlessly supressing the liberties of the people and had become a veritable engine of oppression. This movement lasted for nearly four months and assumed gigantic proportions, shaking up the Pathans throughout the Frontier into a new awakening.

Punjab Ministry

Resignation Tendered

On Sunday, March 2, 1947, Malik Khizr Hayat Tiwana, Premier of the Punjab, submitted the resignation of his Cabinet to the Governor. He said

that an entirely new situation had been created by the British Statement of February 20 and he could not, therefore, continue to lead the coalition which had put him in power.

In actual fact, Malik Khizr Hayat and his Ministry had been so thoroughly discredited and so openly and widely made objects of ridicule during the civil disobedience movement that they had no alternative but to resign. The Statement of February 20 provided them with a convenient excuse and opportunity.

Following the resignation of the Punjab Ministry, the Khan of Mamdot was asked by the Governor to form a new Ministry. At this the Sikhs and the Hindus were up in arms and they publicly threatened violence on a widespread scale if the League was installed in office. The result was outbreak of disturbances in Lahore, Amritsar and various other cities of the Punjab. This spread to the rural areas and thousands of lives were lost. On the outbreak of the disturbances, the Governor of the Punjab issued a proclamation under Section 93 of the Government of India Act and took charge of the administration himself. The same week there was a debate in both Houses of Parliament on the Statement of February 20 in course of which the Plan therein set forth was further elucidated.

Lord Mountbatten

Jinnah calls for truce

The next event of importance was the arrival in Delhi of the new Viceroy, Lord Mountbatten, on

March 23. Speaking at a reception given to him by Memon Chamber of Commerce, Bombay, on March 27, Jinnah called for a truce on the basis of Pakistan. He also made this stirring utterance:

> "It is now 10 years that we have stood the trial in all the tests. Today the Musalmans should stand as a united sovereign nation, fully prepared to make any sacrifices for Pakistan. And we shall establish it".

Assam Campaign

Eviction Policy Sequel

On Sunday March 30, the Assam Provincial Muslim League also decided to launch a province-wide civil disobedience movement as a protest against the ruthless eviction policy of the Congress Ministry which had been turning out thousands of Muslim Bengali immigrants and demolishing their settlements. This movement also continued for many weeks and was withdrawn only after the announcement of the Plan of June 3. It is important here to observe that rioting and bloodshed had been continuing intermitently in Bombay and Calcutta and disturbances were also frequently reported from various towns and villages of certain other provinces, notably the U.P. (United Province).

Renewed Talks

Partition says Congress

On Friday, April 4, Jinnah arrived in New Delhi for what was to be his last and most successful series of negotiations with the representative of the British Government. The Jinnah-Mountbatten talks began

on April 5. As the talks proceeded between the new Viceroy and the League and Congress leaders, it evidently became clear to all concerned that the division of India was coming. As a result of this, early in April, the Hindus and the Sikhs began to put forward their counter demand for the partition of the Punjab and Bengal. Later, the Congress Working Committee met in Delhi and demanded the partition of the Punjab on the basis of Muslim and non-Muslim majority areas. On April 15 and 16, the Viceroy held, in New Delhi, a Conference of the Provincial Governors. On the initiative of the Viceroy, Jinnah and Gandhi issued a joint appeal on April 15, deploring the lawlessness and violence which had been continuing in various parts of the country and denouncing "for all time use of force to achieve political ends".

Frontier Situation

Lawlessness Rampant

Meanwhile the Frontier civil disobedience movement had been going on and unfortunately certain elements on the other side started throwing bombs at peaceful processionists and otherwise attacking and provoking them. Disorder and lawlessness with loss of life and property were also reported. The Frontier Governor and the Frontier Premier were summoned to Delhi to discuss the situation with the Viceroy. A few days later, on April 23 the Viceroy and Lady Mountbatten paid a visit to the Frontier.

Winged Mission

Viceroy for London

Having completed his series of talks with the political leaders and having formulated his own recommendations as to the best method whereby the policy laid down in the February 20 Statement could be best implemented, the Viceroy left for London on Sunday, May 18, to report to the British Government to finalise the Plans. The Viceroy returned to India on May 29, 1947.

On June 2, the Viceroy invited representatives of the Congress and the Muslim League to meet him. They were, Pandit Nehru, Sardar Patel, Acharya Kirpalani—the leaders of the Congress—and the League leaders namely Jinnah, Liaquat Ali Khan and Sardar Abdur Rab Nishtar. Sardar Baldev Singh was also invited. At this meeting the final plan was communicated to the leaders. A meeting of the League Working Committee was also held the same day in Delhi.

Final Plan

League's Acceptance

On June 3, the Plan was announced and immediately afterwards the Viceroy, Mohammad Ali Jinnah, Pandit Nehru and Sardar Baldev Singh made broadcasts from the All-India Radio.[5] On June 9, the Council of the All-India Muslim League met in

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[5] Full text of Quaid-e-Azam's broadcast speech is given as Appendix "VIII".

New Delhi and after a one-day session accepted the Plan of June 3 as a compromise. The resolution of the Council which was released on the following day, read as follows:

> "The Council of the All-India Muslim League, after full deliberation and consideration of the Statement of His Majesty's Government dated the 3rd of June, 1947, laying down the Plan of transfer of power to the peoples of India, notes with satisfaction that the Cabinet Mission's Plan of May 16, 1946, will not be proceeded with, and has been abandoned. The only course open is the partition of India as now proposed in H.M.G.'s Statement of June 3.
>
> The Council of the All-India Muslim League is of the opinion that the only solution of India's problem is to divide India into two—Pakistan and Hindustan. On that basis, the Council has given its most earnest attention and consideration to H.M.G.'s Statement. The Council is of the opinion that although it cannot agree to the partition of Bengal and the Punjab, or give its consent to such partition, it has to consider H.M.G.'s Plan for the transfer of power as a whole.
>
> The Council, therefore, hereby resolves to give full authority to the President of the All-India Muslim League, Quaid-e-Azam M.A. Jinnah, to accept the fundamental principles of the Plan as a compromise, and to leave it to him, with full authority, to work out all the

> details of the Plan in an equitable and just manner with regard to carrying out the complete division of India on the basis and fundamental principles embodied in H.M.G.'s Plan, including Defence, Finance, Communications, etc.
>
> The Council further empowers the President, Quaid-e-Azam M.A. Jinnah, to take all steps and decisions which may be necessary in connection with and relating to the Plan."

Congress Accepts

The Plan's Finale

On June 13, the All-India Congress Committee also accepted the Plan and thus after all these years of futile opposition, it had cost the country so dear, the Congress at last accepted Pakistan. As a result of June 3 announcement, the Frontier as well as the Assam civil disobedience movements were withdrawn. The following were the next important steps and stages which led to the final establishment of Pakistan.

> The Bengal Legislative Assembly met on June 20, when members representing the Muslim majority districts decided to join Pakistan. The voting was 107 to 34. Members representing the non-Muslim majority areas decided by a majority to join Hindustan. The voting was 38 to 21. The Muslim majority section also decided in favour of Sylhet being amalgamated with East Bengal. The voting was 150 to 34.

On June 23, the Punjab Assembly voted on the same issue. The Muslim section decided to join Pakistan by 69 votes against 27. The non-Muslim majority section decided to join Hindustan by 50 votes against 22.

It was Sind's turn next. On June 26, the Sind Assembly decided to join Pakistan by 33 votes against 20.

On June 29, the Shahi Jirga and the elected members of the Quetta Municipality, at an extraordinary joint session, decided to join Pakistan. All the 54 members who were present took this decision unanimously. Eight non-Muslim members were absent.

The referendum under the June 3 Plan began in Sylhet as well as the North-West Frontier Province on July 6. The Sylhet referendum was over in two days, while the N.W.F.P. referendum continued until July 17. The result of the Sylhet referendum was officially announced on July 13:

For joining Pakistan	—239,619
Againt joining Pakistan	—184,041
Majority	— 55,578

(77.33 per cent of the electorate cast their votes)

The result of the N.W.F.P. referendum was announced on July 20 and was as follows:

Votes for Pakistan	—289,244
Votes for Hindustan	— 2,874
Majority	—286,370

Percentage of valid votes of electorate entitled to vote	—50.99%
Valid votes cast in last election	—375,989
Total electorate entitled to vote in Referendum was	—572,798
Therefore votes for Pakistan were	—50.49%

Thus by free vote of its own people or of their elected representatives, all the Muslim majority areas declared themselves in favour of Pakistan and so was the State of Pakistan brought legally into being.

The personnel of the Bengal and the Punjab Boundary Commissions were announced on July 1. On the same day a Shadow Cabinet for West Bengal was formed.

Partition Council

Armed Forces Split

On the following day it was announced that the armed forces would also be divided and as from August 15, Pakistan would have an Army of its own under the operational command of its own Commander-in-Chief, but there would be a Joint Defence Council with the present Commander-in-Chief as the Supreme Commander.

The Partition Council with equal number of representatives of Pakistan and Hindustan was also set up and Expert Committees were also appointed with the same parity of Muslims and

non-Muslims to settle all details regarding the division of assets, liabilities, etc., as between Pakistan and Hindustan.

The Indian Independence Bill, giving effect to the provisions of the June 3 Plan, was introduced in the House of Commons on July 4. It was finally passed by both Houses of Parliament on July 16 and it received Royal assent on July 18.

On July 10, Clement Attlee announced in the House of Commons that the successor authority to the British in India, namely the Muslim League[6] and the Congress, had respectively nominated Jinnah and Lord Mountbatten to be Governor-General of Pakistan and Hindustan.

On July 19, by consent of both parties, the Interim Government was dissolved but provisional parallel Governments of Pakistan and Hindustan having exclusive jurisdiction over the two territories came into being.

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[6] The last session of the Council of All-India Muslim League was held at Karachi, on December 14-15, 1947 and it was decided that "there shall be separate Muslim League Organizations for Pakistan and Indian Union".

Genocide of Muslims During Implementation of Partition Plan

[*General Mohamed Musa* (*Retd.*)]

This is a brief description of my personal experience and observations of the developments which took place when the political decision to partition the Subcontinent was being physically implemented. My objective in writing this is to highlight, in general, the conditions in which Pakistan came into being and some of the fateful events that followed in its wake:

(a) The Muslims of India and of the State of Jammu and Kashmir faced a deliberately planned genocide by India, whose intention was to kill the newly-born child at its birth, having ignominously lost the political struggle waged under the inspiring

leadership of the Quaid-e-Azam for its creation. I firmly believed that it was the will of God that Pakistan be created. This divine will inspired the Quaid, his associates and the whole Muslim population of the Subcontinent to demand a separate homeland for themselves, where they could safeguard their religion and culture and live according to Islamic tenets.

(b) The tremendous sacrifices rendered by those who were uprooted from their ancestral homes and pushed across the border under incredible circumstances might not be fully known to many of our people. In other words, they might be unaware of the very heavy price paid, in human blood and sufferings, by millions of innocent human beings, to carve out this bastion of Islam from the Hindu-dominated country. Their only crime for which they were subjected to indescribable brutalities was that they were Muslims.

(c) Unless our people, especially our youth, know how their country was born, they might not look upon it as a priceless land, which must, therefore, be preserved and developed. In my view, it is priceless, because, the human blood shed, the incalculable abductions of Muslim females and the atrocities suffered by harmless

refugees for its birth cannot be worked out in financial terms to determine its value.

(d) The upheavals, leading to the gigantic migration problem from July 1947 to June 1948 were created by India in her own territory; and in the State of Jammu and Kashmir, they were, in a way, the first conflict India waged on Pakistan to undo it. She failed to achieve the objective. Since then she has remained, and is even now, unreconciled to its existence. It appears to be a thorn on her side. Several crafty moves have been made by her in the last twenty-eight years to create all kinds of difficulties for us, culminating in her second war that she unleashed on this country against all canons of international law in September 1965. That war was not an isolated move. It formed part of the chain of events in our relationship with our irreconcilable neighbour since August 1947.

My observations of these appalling events are based on my functions as General Staff Officer, First Grade, Lahore Area, from the middle of September till the end of December, 1947, and as Brigade Commander, Sialkot, till July 1948. In these jobs, I was deeply involved in the movements, protection and administration of masses of homeless humanity.

Armies of states: I was posted to Lahore Area Headquarters after vacating my assignment in Patna, consequent upon the decision about the division of the Armed Forces. Originally, I was to relieve a Sikh officer in Rawalpindi Area Headquarters, as Assistant Adjutant and Quarter Master General. But, by the time I reached my destination, that vacancy had been filled by a British officer. I had, therefore, to wait till my transfer to Lahore.

It seemed there was a strong feeling that, if a Muslim officer could not replace the British Area Commander, his Principal Staff Officer, who was also a British citizen, should be a Pakistani, to satisfy our people that a fairly senior Muslim officer was directly associated with the handling of our refugees. The Quaid-e-Millat had directed the Commander-in-Chief to make necessary adjustments, which the latter implemented. I felt happy on this appointment, unaware of the problems to be confronted with at Lahore.

On August 10, 1947 I left Dinapur, where I was serving as Assistant Adjutant and Quarter Master General (AA & QMG), Headquarters Bihar and Orissa Area, for Rawalpindi. I was overwhelmed with joy in getting an opportunity of serving my own country—Pakistan. It seemed unbelieveable that, in my lifetime, I would become a free citizen of a sovereign homeland.

At Moghulsarai Railway junction, a Hindu, wearing Gandhi cap, joined me in my compartment. A small, slogan chanting crowd had come to see him off. I did not know him nor his destination.

For about half an hour he did not speak to me. I also kept quiet. Suddenly, he introduced himself as Satyanarain Sinha, and asked me who I was and where I was going. I gave him my particulars and deliberately told him that I was on my way to Pakistan, although till then it had not been physically created to assess his reaction. "Are you happy? Do you realise that very soon you would be faced with numerous and difficult problems there?" "Indeed", said I, "as I was ceasing to be a mercenary. We would tackle problems as they arose. They would be resolved". The tone of my replies was meant to be irksome, but it did not offend him. He remained composed. Maybe, he discovered that I would not be brow beaten by his somewhat discourteous attitude, and, therefore, calmed down.

In military parlance, I staged a counter-attack, by asking him why had they accepted a British citizen as their first Governor-General. I thought my remarks would embarrass him. But he confidently replied that on August 15, they would first of all drive Lord Mountbatten, ceremoniously, to salute the Indian flag. Thereafter, India would exploit his influence in his own country. Gradually, the ice melted. We spoke to each other in a toned down voice till we parted company at Delhi.

On the way, from Ambala onwards, I felt that there was a great deal of tension due to communal riots in which, I was told, the Indian Muslims had suffered incredible cruelties. Apparently, in sheer panic, they were abandoning their villages to take shelter in the so-called refugee camps. They were

attacked en route to these places. Even in camps, their lives were in danger. I got down at a few of the important railway stations to get, if possible, more information about these developments. I was told that even the Armies of some of the States had joined with their arms with non-Muslim elements against unarmed refugees, who were mercilessly massacred. We do not know how many innocent people were thus eliminated by those who were to protect them, and the extent upto which the abductions of helpless Muslim females were perpetrated by secular India.

I reached Rawalpindi on August 12, and stayed there for the flag hoisting ceremony by our Commander-in-Chief, since, naturally, I was very anxious to participate in it.

Small detachments: On the August 14, at about 9 a.m., GHQ and station Officers assembled at an open space in front of the C-in-C's office. Some of us did not know who the C-in-C was. He arrived in a black limousine and performed the ceremony, at which practically everyone was filled with joy and emotion. We saw the Pakistan flag unfurled for the first time in our presence and in our lifetime. It was a great day.

The Punjab Boundary Force, consisting of troops from both the countries, had been disbanded shortly before I took over my job. It did not serve the purpose, namely, movements and protection of Muslim and non-Muslim refugees, for which it was raised just before the Partition. Its functions

were assigned to Lahore Area in Pakistan and to a somewhat similar setup in East Punjab. Besides, both sides had agreed to have a small liaison detachment at Lahore and Amritsar to keep its Formation Headquarters in the picture about the collection of refugees in camps and their moves, by rail and road, to their destinations.

Theoretically, Pakistan and India were responsible for the protection, administration and movements of non-Muslim and Muslim refugees, respectively, upto the border. In practice, however, it did not work satisfactorily, as far as our refugees were concerned. We were unhappy about their plight. They were neither safe nor properly fed. We had to have our Army contingents in certain areas, such as Gurdaspur, Ferozepore, to take care of them.

In the whole of the pre-Partition Army, as is well-known, there was not even one single Muslim Infantry Battalion or a Cavalry Regiment. Consequently, when the Defence Forces were divided, the Muslim elements of the Army moved to Pakistan in companies, platoons, and small detachments and even individually, depending on where they were serving at the time. The Pakistan Army had hardly come into existence. Practically, all the records of service of officers were still in Delhi.

For us, at Lahore, it was a very serious problem to find enough Muslim troops for employment on the numerous jobs. We badly required them. The few units we had were fully utilised. They worked round the clock. Their patriotism, determination

and sympathy for their uprooted brothers and sisters were heart-warming. Faced with a herculian task, they fulfilled it with commendable devotion. To carry it out, they crawled along with the convoys by day, shared their rations with refugees and protected them at night. Without them, we would not have been able to bring safely to Pakistan masses of horrified, physically wrecked and demoralised human beings.

The refugees—old and young, men and women—were all terrorised. As mentioned earlier, they fled to refugee camps when communal tension arose in July 1947. Many lived in these places for weeks. A large number of them suffered from malaria, dysentery, cold and certain other diseases. It was impossible to provide medical aid to all of them, particularly while they were under the care of Indian troops.

From refugee camps, foot convoys travelled to Pakistan. They were exposed to attacks en route. Those who could not walk due to illness, old age or hunger, came on their bullock carts, perched on top of whatever baggage they had been able to bring with them. These convoys were a pathetic sight. I met them, whenever I could spare the time, at our receiving ends. Sometimes, I found it difficult to control my emotions. Anyone in my place would have been in a similar frame of mind after seeing aged men, women and youngsters wearing tattered clothes, some of them bare-footed and a large majority almost half dead, with fatigue and under-nourishment.

Lahore Area's sphere of responsibility extended from Multan to Suchetgarh in the north and the Chenab river to the west. We handled refugees from East Punjab, Panipat and Delhi areas. Muslim refugees moved along two routes by rail and road—Amritsar-Wagah and Ferozepore-Lahore via Kasur. Amritsar convoys were sent to Wagah; those from Ferozepore, to Walton camps. Odd parties moved along other minor approaches and across country also, but, they could not be given direct protection. Non-Muslim foot convoys were sent by us along the road to Lyallpur-Jaranwala-Raiwind and thence to Khem Karan. They crossed the Ravi at Balloki Headworks. Further south, from Montgomery area, they travelled to Fazilka and crossed the border at Suleimanki.

The movement of the Railways was confined, mainly, to the main lines from Wazirabad and Multan to Amritsar via Lahore. These arrangements were designed, primarily, to avoid clashes with the refugees who were on the move and to enable both sides to make protective and administrative arrangements for their people. It was ensured that Muslim and non-Muslim refugee trains did not stop at the same station simultaneously, as the two communities went for each other even during the short period they were at the same place. The army was very vigilant, maintained close touch with the railway authorities concerned and kept a strict watch over all these moves. It was a difficult task, as their number increased to lakhs and spread over a vast area.

Our Convoys: One of our convoys consisted of about one lakh human beings and 4,500 bullock carts. Its tail had hardly passed through Amritsar when its leading elements reached Wagah, just before sunset. It was one of the nerve-wrecking days during the period I held the appointment in Lahore. The convoy was stretched over a distance of approximately 29 miles. It passed through an area which necessitated the maximum possible security precautions, whereas, we could employ only one incomplete Muslim battalion for its protection. To enable it to deal with any trouble, however, additional mechanical transport was provided to them, which made it mobile; and arranged for an occasional air reconnaissance sortie to be flown over the convoy, despite India's objection, so that protective troops could get timely warning of any hostile activity.

These improvisations served our purpose. The convoy crossed the border in tact. At Wagah, a bullock cart stopped. An old woman came down, perhaps to walk the rest of the distance to the camp, which was not very far off. She collapsed as soon as she put her feet on the ground and, at that moment, shouted: "Oh brothers, have I reached Pakistan?" We witnessed such heart-rending scenes which moved every body's heart.

Blankets: With great difficulty, we brought in the convoy safely but it rained shortly after its head reached the camp. Due to fatigue, weakness, illness and lack of warm clothes, odd deaths occurred among the refugees. The number gradually increased as it got colder at night. Blankets were

provided to them by the camp staff, but, there was not enough stock with them to meet the very heavy demands.

At about midnight the Camp Commandant rang me up in my office that he required a bulldozer urgently for the burial of dead bodies. I was horrified, and proceeded to the camp to see the things for myself. Meanwhile, I ordered our Engineers to send one bulldozer to the camp immediately but told them not to use it till I reach there. Largely, for reasons I have stated, the death rate had gone up, but it was not advisable to utilise a dozer for the purpose it had been demanded, although its use was justifiable. Instead, I asked the camp staff that necessary arrangements be made to bury the dead properly, according to Islamic rituals, It entailed a lot of hard work on their part, but they rose to the occasion and completed the job creditably.

However, I had seldom seen decent human beings in the most miserable plight they were in. Some were weeping for their deceased relatives. A great majority of them were sitting, shivering with cold. The camp staff were rushing about, in mud, to provide hot tea to as many of the sufferers as they could. It was impossible to supply it to everyone, in view of the large number of refugees who arrived that evening. In utter dismay, I returned to my office.

After about a week of the arrival of this large convoy, the C-in-C rang up from Rawalpindi to speak to Major-General Key, who was not present in the office at that time. I received the telephone

call. General Messervy asked me to tell the Area Commander that, according to the reports he had received, Muslim villages had been set on fire in the Poonch area; in some places fire was visible from Murree hills as well; therefore, he should suggest, on C-in-C's behalf to the Prime Minister to lodge a strong protest with India about the incendiarism resorted to by the non-Muslim population of the State. I conveyed the message to General Key. He passed it on to the Quaid-i-Millat. Apparently, the fire had caused very extensive damage to life and property whose owners had left their villages in terror to places which now comprise part of Azad Kashmir.

From Lahore, we maintained very close touch with our liaison detachment at Amritsar, because our refugees were not safe so long as they were on the other side of the border, as India did not honour her commitment to provide them adequate protection. We had to be alert and relied more on our own arrangements and resources than on our neighbour's.

A Muslim refugee train was stopped by a mob near Khalsa College outside Amritsar. Most of the passengers (over a thousand: men, women and children) were killed. The train was pulled back to Amritsar railway station. Our liaison officer apprised me of the disaster on the telephone. I immediately rushed to Amritsar in my jeep, and saw an unforgettable scene. Dead bodies were found all over the place. Train compartments were blood-stained. The few survivors who were seriously injured were

weeping. I asked the Liaison Officer to request the Indian Army authorities to send the wounded to a hospital or the refugee camp for treatment. Completely exasperated, I returned to Lahore, reported the matter to the Area Commander and suggested to him that we must lodge a protest with India for her failure to protect the train. She could have easily averted the calamity if it had not been preplanned.

I apprehended that despite Indian efforts to black out the news, or give a wrong version of what had actually happened, it would be known to the people who would retaliate as soon as they found an opportunity. The next day a train carrying refugees from the areas beyond the Jhelum river was held up at Kamoke railway station near Gujranwala by a crowd armed with spears, daggers, and knives. They massacred most of the passengers. There was no one to prevent them from taking the justifiable revenge. We were concerned more about the growing tension between Gujranwala and Wazirabad and were keeping an eye on that area. Even minor trouble was not expected in a small place like Kamoke and we did not, therefore, have troops in that vicinity.

Probe ordered: The C-in-C, Pakistan Army, ordered that a Court of Inquiry be held to investigate the reason why our troops in that sector did not get to Kamoke in time to prevent the attack on the train. In the job I held, I was to be one of the main witnesses. Before the Court assembled, I requested the Area Commander to get me transferred to

another job after the inquiry was completed. He was taken aback and asked me to let him know the reason for my request. I told him that it is difficult to serve in my assignment as every time I will have to appear for the evidence when a Hindu was killed. No one seemed to have bothered about the wholesale massacre of Muslims at Amritsar just before the Kamoke incident took place. Further, I gave a hint to Major General Key that the proposed inquiry might create an adverse repercussion among our people. He must have told the C-in-C, as it was called off.

In October 1947, the Quaid-e-Azam visited Lahore as the first Governor-General of Pakistan. He was accompanied by his venerable sister Mohtarma Fatima Jinnah. Very elaborate arrangements had been made by the Government of the Punjab for their reception. I have not seen the people of Lahore and perhaps of other places being so jubilant and full of zest. The airport and the route to the Government House were thronged with surging humanity. He was to be received by the Governor, Sir Francis Mudie, the Chief Minister (late Nawab Iftikhar Hussain of Mamdot), members of his cabinet and Major General Key, who asked me to go with him. I accompanied him as far as the car park. He insisted me to be in the receiving line, but I told him that I could not be there because neither I nor any of the Brigade Commanders had been invited for the purpose. He went forward alone and must have spoken to the Governor, as he signalled me to join him. I did and was made to



The Father of the Nation amongs the Muslim refugees.



Muslim refugees entering Pakistan at Wagah border. (below) Quaid-e-Azam shaking hands with a refugee boy at Walton camp (Lahore).



stand at the end of the line. After shaking hands with the Governor, the latter introduced him to the invitees.

The Quaid knew all of them except General Key and me. I saluted him when he reached me. While shaking hands, he remarked: "We have met before". I replied: "Yes, your Excellency" to which he inquired, "Where?". I said at the Peshawar railway station. He remembered it and humorously said: "Yes, you would not sit down". I was staggered by his memory. The incident in Peshawar occurred in 1936. I was then a subaltern. Our Battalion was stationed at Kohat. One of our officers, who was proceeding on leave, decided to catch the train at Peshawar. I and another officer, Captain V. D. Jayal, accompanied him to see him off. His seat was booked in a four-berth compartment, one of which was labelled, "Reserved for Mr. M. A. Jinnah". I was delighted to know that the Quaid was also travelling by the same train, as I was extremely anxious to see the person who was assiduously struggling to create a separate homeland for us.

The Quaid arrived, accompanied by the local political leaders shortly before the train moved. He entered the compartment after saying good-bye to them and occupied his seat. Everyone in the compartment sat down. I did not, since I was watching him and was thinking about his activities and the fame he had acquired. He turned round to

me and said: "Why don't you sit down?" Perhaps as I recall, I said: "I would if you permit me". The Quaid said: "Yes, take a seat".

In the eleven years between 1936 and 1947, the Quaid was likely to have met hundreds and thousands of people. To remember the face of a junior officer after such a long time, was unbelievable.

The Quaid's programme included a visit to a refugee camp. I was not in favour of this in the light of my personal experience, that the harrowing sight would considerably move him. But my voice was a cry in the wilderness. He was taken to Wagah where he was, probably, shocked to see the poor refugees in the most inhuman plight. Shortly after that visit, his health was adversely affected, which, rightly or wrongly, I believed eventually led to the ailment from which he did not recover. I had proposed that instead of going to any of the camps, he might meet at the Government House a representative delegation of refugees from both the main camps, Wagah and Walton.

We were dealing with refugee affairs when India invaded the State of Jammu and Kashmir. The Azad Kashmir Army had not been raised, nor was there any Pakistan Army contingent to resist them.

One morning in October 1947, the Pakistan Air Force control room told me that a few British General Officers had landed at the airport and another aircraft was due in shortly from India carrying VIPs. No one in our Headquarters had any previ-

ous warning of their visit. I went to the airport. The Cs-in-C of both the Dominions and their senior staff officers were standing outside an improvised reception office. The Pakistan Chief of the General Staff told me that they had come for a meeting with their Indian counterparts regarding the developments in Kashmir and I was to make necessary arrangements immediately.

As far as I recollect, Lord Mountbatten had also come. I informed the Area Commander from the airport. He was also surprised to know about the sudden arrival of so many senior officers. With great difficulty, we improvised a conference room. The meeting lasted till lunch time. I was not informed about its proceedings. No Pakistani officer attended it. I, therefore, could not ascertain the decisions arrived at between the representatives of the two sides, despite my relentless efforts to ascertain the outcome of discussions.

Protecting crossing: Colonel (now Major-General, retired) Mohammed Akbar Khan, who was then Director of Weapons and Equipment at G.H.Q, visited Lahore after the meeting mentioned in the preceding paragraph. He asked me to send "unofficially" a few bren guns with their crew to Rawalpindi from Lahore Garrison for the protection of Kohala and one of the other bridges on the Jhelum river against Indian air attacks. Appreciating the vital need to protect these crossings, I asked, once again, without the Area Commander's permission, Lieutenant-Colonel Khalid Jan (retired),

Commandant of one of our Infantry Battalions, to send four detachments to Rawalpindi whence they would be taken to their destinations.

Ostensibly, members of the crew were to proceed on leave to cover their absence from the unit. Khalid Jan did not waste much time in making necessary arrangements. Our bren gunners reached Rawalpindi the same night. I was told later that they proved a great deterrent. And, the fact that the bridges remained intact confirmed their effectiveness. However, the manner in which we sent them for a vital operational task showed the predicament we were in when the fighting was going on in Kashmir.

Tension greatly increased due to the developments in Kashmir. Our task was rendered more difficult. The danger to the safety of our refugees became more worrying. Further, towards end of the month, it rained intermitent for a few days worsening the already miserable condition of those who were on the move or had reached the refugee camps. Sickness, due to the inclement weather, took a great toll of lives. We had to gear up our protective and administrative measures to deal with the situation to the extent we could.

Vital airfield: Before hostilities broke out, messages, even in cypher, to the Indian Brigade at Gurdaspur, commanded by Brigadier Branjbe, from the Western Command at Jullundur were routed through our signal office, as Branjbe's setup worked in cooperation with us for the movements of refugees.

When the conference of senior generals of the two countries ended, I ordered our Cypher Officer, Lieutenant Qaiser Beg (now retired) to decypher all messages to that Formation and pass them on to the addressee only, if they related merely to refugees. Those concerning operations in Kashmir were to be held up and shown to me for further necessary action. I feared that, should India decide to intervene, her troops in Gurdaspur, being nearest to the State border, would be among the leading forces to go in.

I finished my work just after mid-night and returned to my quarter in Napier Hotel. I had hardly sat down when someone knocked at the door and walked in. He was Qaiser Beg with a lengthy signal message in his hand. "Sir, did you have an intuition when you gave me instructions about messages to Branjbe's Brigade?", he asked me. I said: "No". He then handed over the message to me to read.

I was astonished and delighted to find that it contained "Operational Instructions" by the Western Command for the move of the Brigade to the Kashmir Valley. It was to be airlifted by a battalion at a time. 1st Battalion 11th Sikh Regiment was to be flown in the first echelon with the objective of protecting the Srinagar airfield. It was a God-sent opportunity for the tribal lashkar to capture the place before Indian troops secured it. Its neutralization would have given us an immense advantage. Thereafter, India could not have reinforced her forces in Kashmir by air. Road journeys would

have taken a long time. Bannihal pass was partially blocked by snow and it would not have been easy to negotiate it at that time of the year. Tribal lashkars, on the other hand, would have been in a more favourable position. They could have moved in from many sides to prevent the use of the airfield by India.

Why was such an important message routed through Lahore, I could not understand. Maybe, the person who sent it did not appreciate the security aspect of it or despatched it in that manner by mistake. With these thoughts in my mind, I went to the late Major-General Nazir Ahmed's house to discuss the message with him. We decided to immediately apprise the Director of Military Operations (the late Brigadier Mohammed Sher Khan) of it by telephone. At about 2 a.m. I spoke, in Pashtu, to Brigadier Sher Khan from Major-General Nazir Ahmed's residence and gave him the list of the operation India had planned.

Western Command orders to Branjbe was, thus, delayed by about twenty-four hours. It seemed another one was transmitted to him direct, perhaps, when it was suspected or discovered that the first one had not been delivered to him. The Brigade moved to Srinagar in accordance with the instructions we had intercepted. 1st Battalion 11th Sikh Regiment was flown first. It landed on the airfield which was, till then, unoccupied. A lashkar had reached its vicinity, but had not captured it. Some fighting took place there in which the Commanding

Officer of the Sikh Regiment, Lieutenant-Colonel R. Rai, was killed. Thus we missed the boat.

The Kashmir problem might not have got so involved had India been denied the use of that one airfield at that crucial time. I knew Brigadier Mohammed Sher Khan extremely well. I was certain that he would spare no effort to do whatever he could either to get the airfield captured or rendered invisible by the type of aircraft India then possessed. Later on, I learnt that he immediately acted on the receipt of my telephone message, and worked the whole night for its neutralization.

Journalists' Praise: When evacuation work was at its peak, during the month of October, 1947, two American journalists (a man and a woman) entered my office one morning without previous appointment. They asked me where the refugee camps were and the routes along which they travelled. My staff provided them all the information they required. I told them that they should feel free to go anywhere they liked and see whatever they wished to see. It delighted them, as my suggestion was tantamount to their being allowed to have a non-conducted tour, unlike their experience in India where, according to them, they were taken only to a few selected places. On their return in the evening, they again walked straight to my office. Both seemed happy and had taken many photographs. The woman who, I thought, represented "Life" said to me: "Colonel, we admire your decision to give us a free hand. You certainly do not feel guilty

conscious. Pakistan is looking after non-Muslim refugees better than as compared to the attention being paid to this human problem in India. We are impressed with everything we have seen".

In November 1947, India ordered her 2nd Air-borne Division to leave Pakistan urgently. The Headquarters of this Formation and that of one of its Brigades were located either at Quetta or Malir. The other Brigade commanded by Brigadier Usman, who had opted for India, was stationed at Multan. Pakistan was not consulted about this move, as far as I knew. The Division received orders direct from Delhi, which led us to believe that it would be sent to Kashmir. The Government of Pakistan could not prevent it, as about two-third of that Division was given to India as a result of the decision about the division of the Armed Forces. Only one Brigade, 14th Parachute Brigade, came to our share.

The Division moved with all its very expensive equipments, contrary to the partition agreement, according to which only personal weapons could be taken by troops on their transfer to either of the Dominions. I stopped it at Lahore, on the plea that it had to leave behind its non-personal weapons and equipments for which we intended to carry out a survey. This time I reported my action to the Area Commander, who agreed that our decision was justifiable. India lodged a protest with Pakistan for interfering with the movements of her troops. She appeared to be in a hurry to get that Division out of this country. But, despite her protests and

the numerous urgent signal messages which flew between Rawalpindi and Delhi on the subject, we appointed a survey board for the purpose I have mentioned, and implemented its recommendations. This incident also became a headache for us. India's protest caused a stir in G.H.Q., Pakistan Army and our Area Commander was directed to explain why did we not allow the Division to pass through Lahore. They quietened down when we apprised them of the reason for which we held them up there.

Such pinpricks accentuated our difficulties. To an extent, they diverted our attention from the refugees, whose protection, feeding, medical aid and resettlement were our main responsibilities and we should have been allowed to carry out these onerous tasks without undue interference.

Towards the end of November 1947, the number of refugees had decreased and, although, the magnitude of the problem for both sides was relatively smaller as compared to that we had to resolve in the three previous months, there were still lakhs of people to be evacuated. At that stage, India suggested that refugee routes be changed so that the Hindus could use the Grand Trunk road and the Muslims should enter Pakistan via Ferozepore. According to them they could not absorb in the area between the Sutlej river and Amritsar those who went there via Khem Karan. On the face of it, the proposal appeared harmless. When we studied it on our charts and movement graphs, it proved mischievous. Had it been accepted, Muslim refugees

would have had to travel much longer distances from Hoshiarpur, Ludhiana and Bhatinda areas. I doubted the ability of many of them to stand the rigours of that long road journey. Physically, as I have mentioned, they were almost wrecked and might have died en route to Pakistan. Moreover, the longer they remained in Indian territory, the greater would have been the danger to their lives. On the other hand, Indian refugees would have had shorter distances to cover to their destinations. I, therefore, suggested to the Area Commander that the proposal be rejected. He appreciated our views on it. His recommendation was accepted by the Government.

Phone from Delhi: Besides these worries and mischief-mongering by our neighbour, they held up the movements of our refugees for three days. My staff and I got suspicious of India's intention, and therefore carried out a detailed study which showed that there were more Muslims to be brought to Pakistan than non-Muslim refugees for evacuation to India. I thought the ratio was approximately 3:2. We concluded that India had deliberately stopped the Muslims across the border till their own men had been evacuated so that they could indulge in larger scale murder of our people without any fear of retaliation or use them as hostages for a base motive. The poor refugees would have been completely at their mercy. Once again, I risked my neck by holding up Indian refugee convoys west of the Ravi until further orders. I took this step without permission either from the Government or

the Area Commander. To my surprise and horror, on the third day, a British officer rang up from Delhi late in the evening and wanted to speak to General Key who had left the office for his hotel. I introduced myself to him, inquired who he was and asked him to let me know if I could be of any help to him. Somewhat angrily, he told me that he was a member of the Governor-General's Staff and wanted to find out, for Lord Mountbatten's information, why we had held up refugees across Balloki Headworks. Perhaps, being tired, I replied rudely that Lord Mountbatten was not responsible for the movements of refugees in Pakistan. It was our function to send them to India. His Governor-General was to ensure the safe passage, to Pakistan, of the stranded Muslims in his Dominion. Therefore, did he (Lord Mountbatten) know that no one had been allowed to come to our side for three days? If he did not, was he not under moral obligation to worry more about them than those we looked after?

My attitude and replies infuriated him. Apparently, he had spoken to General Key in his quarter and had complained to him against me. The next morning when the Area Commander came to the Headquarters, he walked in straight to my office. He seemed very perturbed and wanted to know what I had said to the person who spoke to me from Delhi. I related to him the whole incident and explained to him my reasons for holding up Indian refugees.

Talk with Liaquat: At about 10 a.m., the Prime Minister's (Quaid-i-Millat's) Secretariat, which was then at Lahore, rang him up to find out if it was correct that we had disallowed non-Muslim refugees to go beyond Balloki. He called me to discuss the reply he should give. According to him, India had protested against this decision. I suggested to the General that he should get permission for me to meet the Prime Minister and personally explain to him the factual position with the help of my charts, etc. It would be difficult to put him in the picture on the telephone. Moreover, as I had issued orders on my own, it was fair that I should face the consequence of my action instead of him who did not know anything about it till the previous evening. He felt relieved. The Prime Minister consented to see me.

About an hour later, I found myself in the Prime Minister's office. He also appeared to be somewhat upset, which worried me but he asked me to sit down. I occupied a chair opposite to him. The Prime Minister did not confine himself to the incident for which he called me. He asked a few general questions about the refugees of both the countries, including the Indian proposal to change the routes for their movements, which I answered to the extent I could. As regards my telephone conversation with Lord Mountbatten's staff officer, he wanted me to give him details of whatever had expired between us.

Using my charts, I explained to him our assessment of India's intention which led me to the decision to stop her refugees at Balloki. I confessed that I was personally responsible for it since I had not consulted my Area Commander. Our analysis might be wrong but as a result of dealing with the Indian authorities concerned since August, we thought it would be unwise not to take some precautions to ensure the safety of our refugees across the border. As I was explaining to him our appreciation, he was getting relaxed and at the end agreed with my conclusion. I also became more confident. The Prime Minister then got up from his chair. While shaking hands with me, he remarked, as far as I remember: "Well done. I admire your sound appraisal of the situation. You have done your bit. Let me take further necessary action. Meanwhile retain Indian refugees wherever they are". Not unnaturally, I was highly delighted that my decision was accepted. So was the Area Commander, who thought he might be rebuked by someone above him. He seemed particularly impressed with my admission to the Quaid-i-Millat that I had not taken anybody's permission for taking somewhat drastic action in that manner.

By about 9 p.m. that night, we received intimation that both sides had agreed to start evacuation of refugees from next morning. We issued necessary instructions to the Commanders concerned for compliance with the Government decision. However, as we had more refugees in India, I directed the camp Commandant to be more meticulous in

counting our people on their arrival so that we could regulate the flow of non-Muslims accordingly. Our intention was to ensure, as far as possible, that till the evacuation work was completed, we had a hold on Indian refugees so long as India had on the Muslims, wishing to migrate to Pakistan. This strategy was achieving the desired result when I left Lahore on promotion at the end of December 1947. Our own calculations, reports from our Liaison Staff and Commandants of refugee camps indicated that the arrival of Muslims was satisfactory.

India resorted to another mischief. While their refugees were held up west of the Ravi, their Area Headquarters at Amritsar complained to us that according to their information Indianr efugees, apart from being stranded, were not being fed properly. Therefore, they wished to drop supplies for them and asked us to indicate a suitable Dropping Zone (DZ). We rejected it as it was obviously intended to get us maligned internationally for our alleged failure to look after their people and apprised them of our assessment of their aim. They gave up the idea, perhaps, having realised that we had been able to determine their foul intention.

A case in point : Here is a bit of humour to this heart-rending account. To highlight the condition in refugee camps, I might say something about the experience of a senior officer who possessed a piece of land near Walton refugee camp. He wanted to go and see it. I suggested to him not to take the trouble of going there, as he would not find his land

vacant. He did not listen to me. In the afternoon he came to see me on his return. On his own, he said I gave him correct advice, which he should have accepted. I inquired why was he so dejected to which he replied that his land had been turned into a graveyard. I asked him what did he do there. He replied that all he could do was to offer "Fateha" for those who were buried there and come back.

The Government of West Punjab performed its functions with commendable efficiency and dedication. The refugee problem, because of its magnitude and unexpectedness, was a tremendous strain on them and stretched their resources to the breaking point. It was a colossal task to move to the interior waves of sufferers, terrorised and frustrated with life. Physically and mentally, very few people seemed to have been prepared for such an eventuality, or expected to get raced with it so suddenly.

It appeared to us, at least, that India deliberately created the upheaval, even before Pakistan came into being in order to undo it at her birth. Our assumptions might be wrong, but that was how we felt and why we were spurred to action. In addition to the millions of innocent Muslims who were driven away from their hearth and home and pushed across the border to Pakistan, a large number which even to this day has not been even estimated, were annihilated in their villages, on the way to refugee camps and en route to this country.

Our Army, itself not properly organized on the eve of the birth of the new State, undertook a great

responsibility by assisting the Civil Administration in handling an almost unprecedented situation. Without its help, I do not believe we could have tackled it in the manner it was dealt with, although, it was by no means perfect. At that time it was not a question of achieving perfection. The problem was to bring in safely as many refugees as possible, send them away from the border areas, find for them some kind of shelter and rehabilitate them.

A yardstick, which might give an indication of the amount of work we had to put in, was the engagement of our Area Commander. He attended office by about 8 a.m. and seldom left it before 7 or 8 p.m. In other words, he, in that capacity, had to work for eleven to twelve hours a day. It could be well imagined how long, after his departure from his office, his staff, particularly, those dealing with operations, intelligence and administration had to be on their jobs. They worked almost round the clock and had no real break. We used to have most of our meals in our offices. However, we found the hardships very inspiring. All of us felt that, in our humble way, we were helping in solving the difficulties our newly-born country faced on its creation.

My own staff consisted of two General Staff Officers 2nd Grade (Majors) and two General Staff Officers 3rd Grade (Captains), one of whom dealt with intelligence work. Both the 2nd Grade Staff Officers, Muhammad Ashraf and Rashid, were later promoted to the rank of Brigadier and have since retired from the Army. Besides, we controlled the

activities of the Area Headquarters Signal setup. I am greatly indebted to all of them for their loyal cooperation with me and have nothing but praise for their devotion to their responsibilities, patriotism, professional efficiency and stamina for sustained hard work.

Indian raids : I took over my job as Commander, 103 Brigade in Sialkot, early in January, 1948. At that time a large garrison was stationed there. I was under the impression that my main functions would be to command the Brigade and the Station. But when I got there, I found that apart from my other duties, I would still be involved in tackling refugee problems and also in planning and launching retaliatory measures against raiders from Jammu side.

Indian Army troops and Civil Armed Forces raided our villages along the Sialkot-Jammu border, off and on, for two reasons as far as I could assess. Firstly, to prevent our people from raiding their villages and what was more important, their vehicle convoys on the Kahuta-Jammu road. Secondly, to cause terror on our side with a view to forcing our villagers to vacate their homes and thus create a no-man's land along the frontier. These raids did not produce the desired effect. Instead of getting panicky, our villagers retaliated violently and in certain places across the frontier, drove out the Indians from their villages, thus succeeding in creating a no-man's land of great depth on their side and exposing the main road to Jammu from Pathankot to threats by raiding and ambushing parties. I

found our people not only cheerful, but also revengeful. My visits to their villages were very inspiring.

In Sialkot, refugees came from the Jammu area and certain other places in the interior. Their lot was just as miserable as that of those who migrated from India. They were subjected to similar kinds of brutalities. In fact, the Rajauri people experienced more inhuman treatment. We received them at the border whence they were sent to the refugee camp.

American aghast : There were women among them whose breasts were cut and children with their hands chopped off at the wrist. Many people—men, women, children, young and old—had dagger marks on their faces, necks and other parts of their bodies. They could not even be counted due to the very large number of sufferers. To us, they appeared to have minor injuries as compared to the many serious cases for which medical aid had to be arranged first.

During his visit to Sialkot, the then American Military Attache requested me for permission to visit the refugee camp and to take a few photographs. I welcomed it and accompanied him to guage his reaction. He was aghast to see the condition of the inmates and cursed the perpetrators of those kinds of crimes against humanity. I told him that mere cursing the country, which was guilty of such barbarities, was not enough. He ought to bring to the notice of his Government and his colleagues in Pakistan, the Indian misdeeds which he had seen

with his own eyes. The Military Attache took many photographs. He promised to send them to America with his report on his visit to the camp.

A large proportion of the Kashmir refugees were settled in the district of Sialkot. The remainder were sent to the interior of the province for resettlement. Once again, our Army played a noble role. They took over the administration of the refugee camps from the local Civil authorities, whose resources were not adequate enough to enable them to cope with it. But they helped the Army in every feasible way. The Deputy Commissioner, himself and his subordinates spared no effort to ensure that all available facilities, medical aid and food reached the poor sufferers in sufficient quantities, and in time. It meant continuous vigilance and sustained hardwork on their part which they performed admirably.

We were unable to deal with the security aspect of the refugees from the state of Jammu and Kashmir. They were handed over to us at the border. Their safety was, therefore, very worrying. All the damage was done before they reached Pakistan. We could not send our troops across the frontier to protect those who were on the other side of it.

How many were killed and how much abduction took place within the State, could not be assessed. But judging from the appalling condition in which the terror-stricken refugees arrived at the frontier, I believed thousands of uprooted families were very likely wiped out by the non-Muslim population, assisted by the State Army and Malitia.

Whereas in the case of our refugees from India, the restriction did not apply so rigidly. We could and did send Pakistan Army troops to at least the border areas of East Punjab to bring them in. In fact, we insisted that as far as our own manpower permitted, the refugees should be protected by our own force. It may be mentioned here that we did trust and welcomed the employment of the Gurkha element of the Indian Army. They carried out their duties strictly as professional soldiers, unbiased and looked after our refugees for whose safety they were responsible.

Refugees were still coming from Jammu when I was transferred to G.H.O. in July 1948, but the immensity of the problem their migration had caused, was reduced to manageable proportions. Thus ended my participation with the frightful developments between September 1947 to July 1948. It is easy to narrate them on paper, but they proved nerve-wrecking while we were physically tackling them.

Let there be no scepticism about the hostile intention of our potential enemy. Relaxation and wishful ideas on our part about the security of the country would be disastrous. Moreover, in view of India's large-scale military preparations, after her shameful defeat in 1965, its preservation is a more difficult task for which we must take all the precautions we can. The enemy will not miss any favourable opportunity for waging another—her third—war on us.

The colossal problem created by the almost unparalleled human migration in recent history was

resolved by the heavy sacrifices made by the migrants and the dedication with which the "Ansars" welcomed them to this country. By such concerted efforts, our people can, and will, once again foil their adversary's evil designs. But, I feel, for the defence of their homeland, which they literally snatched out of the clutches of their opponents, the pitfalls, I have tried to highlight, should be avoided.

Call to Historians: The history of Pakistan would be incomplete if it does not contain a comprehensive description of the implementation of the political decision, according to which the Subcontinent was partitioned. Therefore, our historians should collect and collate the relevant material for this purpose in order to give a correct history of Pakistan.

It is hoped that this sketchy account of my experience of the events Pakistan faced at a crucial time might prove of some interest to our people, especially to our younger generation and strengthen their already commendable determination and patriotism to secure her from internal dissension and external threat and to protect at all costs the ideology on which it was founded.

Appendix I

Congress Note Dated May 12, 1946 on Muslim League's Memorandum

The approach of the Muslim League is so different from that of the Congress in regard to these matters that it is a little difficult to deal with each point separately without reference to the rest. The picture as envisaged by the Congress is briefly given in a separate note. From consideration of this note and the Muslim League's proposals, the difficulties and the possible agreement will become obvious.

The Muslim League's proposals are dealt with below briefly:

1. We suggest that the proper procedure is for one Constitution-making Body or Constituent Assembly to meet for the

whole of India and later for Groups to be formed, if so desired, by the Provinces concerned. The matter should be left to the Provinces; and if they wish to function as a Group, they are at liberty to do so and to frame their own Constitution for the purpose.

In any event, Assam has obviously no place in the Group mentioned, and the North-West Frontier Province, as the elections show, is not in favour of this proposal.

2. We have agreed to Residuary Powers, apart from the Central Subjects, vesting in the Provinces. They can make such use of them as they like and, as has been stated above, function as a Group. What the ultimate nature of such a Group may be, cannot be determined at this stage and should be left to the representatives of the Provinces concerned.

3. We have suggested that the most suitable method of election would be by single transferable vote. This would give proper representation to the various communities in proportion to their present representation in the Legislatures. If the population proportion is taken, we have no particular objection; but this would lead to difficulties in all the Provinces where there is weightage in favour of

certain communities. The principle approved of would necessarily apply to all the Provinces.

4. There is no necessity for the opting out of a Province from its group as the previous consent of the Provinces is necessary for joining the group.

5. We consider it essential that the Federal Union should have a Legislature. We also consider it essential that the Union should have power to raise its own revenue.

6. & 7. We are entirely opposed to parity of representation as between groups of Provinces in the Union Executive or Legislature. We think that the provision to the effect that no major communal issue in the Union Constitution shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present and voting in the Constituent Assembly are separately in its favour, is a sufficient and ample safeguard for all minorities. We have suggested something wider, and including all communities, than has been proposed elsewhere. They may give rise to some difficulties in regard to small communities, but all such difficulties can be got over by reference to arbitration. We are prepared to consider the method of giving effect to this principle so as to make it more feasible.

8. This proposal is so sweeping in its nature that no Government or Legislature can function at all. Once we have safeguarded major communal issues, other matters, whether controversial or not, require no safeguard. This will simply mean safeguarding vested interests of all kind and preventing progress, or indeed any movement in any direction. We, therefore, entirely disapprove of it.
9. We are entirely agreeable to the inclusion of fundamental rights and safeguards concerning religion, culture and like matters in the Constitution. We suggest that the proper place for this is the All-India Federal Union Constitution. There should be uniformity in regard to these fundamental rights all over India.
10. The Constitution of the Union will inevitably contain provisions for its revision. It may also contain a provision for its full reconsideration at the end of 10 years. The matter will be open for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea.

Source : Foundations of Pakistan, Volume II, edited by Sharifuddin Pirzada, 1970, pp. 536-537.

Appendix II

Statement by the British Cabinet Delegation and His Excellency the Viceroy, dated May 16, 1946.

1. On March 15th last, just before the despatch of the Cabinet Delegation to India Mr. Attlee, the British Prime Minister, used these words:

"My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present regime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision. . . . I hope that India and her people may elect to remain within the British Commonwealth. I am certain that they will find great advantages in doing so. . . . But if she does so elect,

it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible."

2. Charged in these historic words we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in Conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try and reach a settlement but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India and an Interim Government may be set up at once to carry on the administration of British India until such time as a new Constitution can be brought into

being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic fields.

4. It is not intended in this statement to review the voluminous evidence that has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a parition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule.

This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign State of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas; one in the north-west consisting of the

Provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan; the other in the north-east consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate State of Pakistan was based, first, upon the right of the Muslim majority to decide their method of Government according to their wishes, and secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six Provinces enumerated above would be very considerable as the following figures* show:

	Muslim	*Non-Muslim*
North-Western Area		
Punjab	16,217,242	12,201,577
North-West Frontier Province	2,788,797	249,270
Sind	3,208,325	1,326,683
Br. Baluchistan	438,930	62,701
	22,653,294	13,840,231
	62.07%	37.93%

* All population figures in this statement are from the most recent census taken in 1941.

North-Eastern Area	*Muslim*	*Non-Muslim*
Bengal	33,005,434	27,301,091
Assam	3,442,479	6,762,254
	36,447,913	34,063,345
	51.69%	48.31%

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign State of Pakistan on the lines claimed by the Muslim League, would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan, can equally in our view be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We therefore considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of: (*a*) the whole of the Ambala and Jullundur Divisions in the Punjab; (*b*) the whole of Assam except the district of Sylhet; and (*c*) a large part of Western Bengal, including Calcutta, in which city the Muslims form 23.6% of

the population. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these Provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs leaving substantial bodies of Sikhs on both sides of boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian armed forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign States.

12. This decision does not however bind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which Provinces would have full autonomy subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme Provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central

Executive and Legislature in which some Ministers, who dealt with Compulsory subjects, were responsible to the whole of India while other Ministers, who dealt with Optional subjects, would be responsible only to those Provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their Provinces were not concerned were under discussion.

Apart from the difficulty of working such a scheme, we do not consider that it would be fair to other Provinces, which did not desire to take the optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendation we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to cooperate in the new development of India. The precise form which

their cooperation will take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties, and would at the same time be most likely to bring about a stable and practicable form of constitution for All-India.

We recommend that the constitution should take the following basic form:

(1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: Foreign Affairs, Defence, and Communications; and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an Executive and a Legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives and voting of each of the two major communities as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces.

(4) The States will retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common.

(6) The constitutions of the Union and of the Groups should contain a provision whereby any Province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above lines, but to set in motion the machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary however for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought

into being forthwith in order to enable a new constitution to be worked out.

18. In forming any Assembly to decide a new Constitutional structure the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise; but any attempt to introduce such a step now would lead to a wholly unacceptable delay in the formulation of the new Constitution. The only practicable alternative is to utilize the recently elected Provincial Legislative Assemblies as the electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of the Provincial Legislative Assemblies do not bear the same proportion to the total population in each Province. Thus, Assam with a population of 10 millions has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the Province. Thus the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48% of the total, although they form 55% of the Provincial population. After a most careful consideration of the various methods by which these inequalities

might be corrected, we have come to the conclusion that the fairest and most practicable plan would be—

(*a*) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage;

(*b*) to divide this provincial allocation of seats between the main communities in each Province in proportion to their population;

(*c*) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognize only three main communities in India: General, Muslim, and Sikh, the 'General' community including all persons who are not Muslims or Sikhs. As the smaller minorities would, upon the population basis, have little or no representation since they would lose the weightage which assures them seats in the Provincial Legislatures, we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to the minorities.

19. (*i*) We therefore propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislature (General, Muslim or Sikh)

electing its own representatives by the method of proportional representation with the single transferable vote:

Table of Representation

SECTION A

Province	*General*	*Muslim*	*Total*
Madras	45	4	49
Bombay	19	2	21
United Provinces	47	8	55
Bihar	31	5	36
Central Provinces	16	1	17
Orissa	9	0	9
Total	167	20	187

SECTION B

Province	*General*	*Muslim*	*Sikh*	*Total*
Punjab	8	16	4	28
North-West Frontier Province	0	3	0	3
Sind	1	3	0	4
Total	9	22	4	35

SECTION C

Province		*General*	*Muslim*	*Total*
Bengal		27	33	60
Assam		7	3	10
	Total	34	36	70
	Total for British India			292
	Maximum for Indian States			93
	Total			385

Note. In order to represent the Chief Commissioners' Provinces there will be added to Section A the Member representing Delhi in the Central Legislative Assembly, the Member representing Ajmer-Merwara in the Central Legislative Assembly, and a representative to be elected by the Coorg Legislative Council.

To Section B will be added a representative of British Baluchistan.

(*ii*) It is the intention that the States should be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculations adopted for British India, exceed 93, but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

(*iii*) The representatives thus chosen shall meet at New Delhi as soon as possible.

(*iv*) A preliminary meeting will be held at which the general order of business will be decided, a Chairman and other officers elected, and an Advisory Committee (see paragraph 20 below) on the rights of citizens, minorities, and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into the three sections shown under A, B, and C, in the Table of Representation in sub-paragraph (*i*) of this paragraph.

(*v*) These sections shall proceed to settle the Provincial Constitutions for the Provinces included in each section, and shall also decide whether any Group Constitution shall be set up for those Provinces and, if so, with what provincial subjects the Group should deal. Provinces shall have the power to opt out of the Groups in accordance with the provisions of sub-clause (*viii*) blow.

(*vi*) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution.

(*vii*) In the Union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities.

The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(*viii*) As soon as the new constitutional arrangements have come into operation, it shall be open

to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new legislature of the Province after the first general election under the new constitution.

20. The Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of Fundamental Rights, the clauses for the protection of minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial, Group, or Union constitution.

21. His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up a Negotiating Committee. It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a Treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds, the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an Interim Government having the support of the major political parties. It is essential during the interim period that there should

be the maximum of cooperation in carrying through the difficult tasks that face the Government of India. Besides the heavy task of day-to-day administration, there is the grave danger of famine to be countered; there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future; and there are important international conferences in which India has to be represented. For all these purposes a Government having popular support is necessary. The Viceroy has already started discussions to this end, and hopes soon to form an Interim Government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognising the significance of the changes in the Government of India, will give the fullest measure of cooperation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India who now have the opportunity of complete independence we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live. Despite the labours which we have shared with the Indian Parties, and the exercise of much patience and goodwill by all, this has not been possible. We therefore now lay before you proposals which, after listening to all sides and after much

earnest thought, we trust will enable you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognise with us that at this supreme moment in Indian history statesmanship demands mutual accommodation.

We ask you to consider the alternative to acceptance of these proposals. After all the efforts which we and the Indian Parties have made together for agreement, we must state that in our view there is small hope of peaceful settlement by agreement of the Indian Parties alone. The alternative would therefore be a grave danger of violence, chaos, and even civil war. The result and duration of such a disturbance cannot be foreseen; but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen, and the world as a whole.

We therefore lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interests of the whole four hundred millions of the Indian people.

We hope that the new independent India may choose to be a member of the British Common-

wealth. We hope that in any event you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be we look forward with you to your ever increasing prosperity among the great nations of the world, and to a future even more glorious than your past.

Appendix III

Gandhi's Letter to the Secretary of State

Valmiki Mandir,
Reading Road,
New Delhi,
May 20th, 1946.

Dear Lord,

As the matters we discussed yesterday morning and the day before were very important and affected and still affect my attitude and corresponding action, I think it worth while to reduce a summary to writing. You can correct me if there is misunderstanding. This may even help you, wherever necessary.

I may add that I have conveyed to the Working Committee of the Congress, the purport, to the best of my ability, of our talks.

With this preface I proceed to give the summary.

1. You were good enough to assure me that you will see to it that European members of Provincial Assemblies, neither voted at the elections of delegates to the Constituent Assembly nor expected to be elected by the electors of non-Muslim delegates.

2. Election of the possible 93 delegates on behalf of the Sates would be determined by the Nawabsahib of Bhopal and Pandit Jawaharlal Nehru. In the absence of an agreed solution, there should be no election of delegates on behalf of the States, the function of looking after the interests of the Princes and their people devolving upon the Advisory Committee referred to in clause 20 of the State Paper.

3. In view of the fact that there is no machinery in British Baluchistan analogous to the Provincial Assemblies, it should be treated as the special concern of the Constituent Assembly, and should be included in the function of the Advisory Committee. Meanwhile it should be the duty of the Interim National Government to set up machinery to bring Baluchistan on a par with the other provinces.

4. I ventured to suggest that Paramountcy should cease even while Independence is at work in fact, though not in law, till the Constituent Assembly has finished its labours and devised a constitution. Sir Stafford saw danger in acting upon my suggestion. I hold opposite view. Acceptance of my proposal would vivify the people of the

States as if by a stroke of the pen. And the Interim Government would be a boon to the Princes who, through the creation of the paramount Power and dependent on it for the continuance of their existence, still chafed under its heavy hand. The immediate end of Paramountcy would test the sincerity alike of the Princes and the paramount Power.

But if this Indian feeling did not find an echo in your hearts, I personally would be satisfied with Sir Stafford's view that Paramountcy which had been admittedly used to protect the Princes against their people in the shape of suppressing their liberty and progress, should for the time continue for the protection and progress of the people. If the people of the States are backward, it is not because they are different in kind from the people of the direct British parts of India but because they have been groaning under a double yoke. I endorsed also the suggestion that Paramountcy should be exercised in consultation with the National Government.

5. I have written to you on my difficulty on grouping, I need say nothing more on the subject, pending reply to it.

6. Whilst I appreciate your and Sir Stafford's frankness, I would put on record my conviction that Independence in fact would be a farce, if the British Troops are in India even for peace and order within, or danger from without. The condition of India after the labours of the Constituent Assembly are over will in this respect be no better than now. If the position about the Troops persists, 'Independence next month' is either insincere or a thoughtless

cry. Acceptance of 'Quit India' by the British is unconditional, whether the Constituent Assembly succeeds or fails in bringing out a constitution. A drastic revision of the attitude is a necessity in every case.

Finally, it can in no way be contended that in the face of the Troops there would be natural behaviour in the Constituent Assembly.

7. As to the Interim Government, the more I think and observe, the more certain is my feeling that a proper National Government responsible in fact, if not in law, to the elected members of the Central Legislative Assembly should precede the summons for the election of members of the Constituent Assembly. Only then, and not before, can a true picture of coming events be presented. The food crisis demands immediate formation of a strong, capable and homogeneous National Government. Without it, deep and universal corruption cannot end, without it the psychological effect will not be produced in spite of the landing on Indian shores of expected grain from outside. Every day's delay in forming such a government is agony to the famished millions of India. There can be therefore no question of parity, whether the Government is allowed to be formed by the Congress or the Muslim League. The best and incorruptible men or women from India are wanted for the purpose. I was therefore glad to find that the Viceroy was already moving in the matter as quickly as possible.

Yours sincerely
sd. M. K. Gandhi

To The Rt. Hon'ble Lord Pethick-Lawrence.

Appendix IV

Quaid-i-Azam M. A. Jinnah's Statement dated May 22, 1946, on the Cabinet Mission Statement

I have now before me the Statement of the British Cabinet Delegation and His Excellency the Viceroy dated May 16, 1946, issued at Delhi. Before I deal with it, I should like to give the background of the discussions that took place at Simla from May 5 onwards till the Conference was declared concluded and its breakdown announced in the official communique dated May 12, 1946. We met in the Conference on May 5 to consider the formula embodied in the letter of the Secretary of State for India, dated April 27, inviting the League representatives. The formula was as follows:

"A Union Government dealing with the following subjects: Foreign Affairs, Defence and Communications".

"There will be two Groups of Provinces, one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the Provinces in the respective Groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all the residuary sovereign rights".

The Muslim League's position was as follows: Firstly, the zones comprising Bengal and Assam in the North-East, and the Punjab, the N.W.F.P., Sind and Baluchistan in the North-West of India constituted Pakistan zones and should be constituted as a sovereign independent State, and an unequivocal undertaking should be given to implement the establishment of Pakistan without delay.

Secondly, that separate Constitution-making Bodies be set up by the people of Pakistan and Hindustan for the purpose of framing their respective Constitutions.

Thirdly, that minorities in Pakistan and Hindustan be provided with safeguards on the lines of the Lahore Resolution.

Fourthly, that the acceptance of the League demand and its implementation without delay were a *sine qua non* for the League co-operation and participation in the formation of an Interim Government at the Centre.

Fifthly, it gave a warning to the British Government against any attempt to impose a Federal Constitution on a united India basis, or forcing any interim arrangement at the Centre, contrary to the League demands; and that Muslim India would resist if any attempt to impose it were made. Besides, such an attempt would be the grossest breach of faith of the Declaration of His Majesty's Government made in August, 1940, with the approval of the British Parliament, and subsequent pronouncements by the Secretary of State for India and other responsible British statesmen, from time to time reaffirming the August Declaration.

We accepted the invitation to attend the Conference without prejudice, without any commitment and without accepting the fundamental principles underlying this short formula of the Mission, on the assurance given by the Secretary of State for India in his letter, dated April 29, 1946, wherein he said: "We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply, as a preliminary condition, full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement, and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it".

The Congress position, in reply to the invitation, was stated in their letter of April 28, 1946, that a strong Federal Government at the Centre, with

present Provinces as federating units, be established and they laid down that Foreign Affairs, Defence, Currency, Customs, Tariffs and "such other subjects as may be found on closer scrutiny to be intimately allied to them", should vest in the Central Federal Government. They negatived the idea of grouping of provinces. However, they also agreed to participate in the Conference to discuss the formula of the Cabinet Delegation.

After days of discussion no appreciable progress was made. Finally, I was asked to give our minimum terms in writing. Consequently, we embodied certain fundamental principles of our terms in writing as an offer to the Congress in the earnest desire for a peaceful and amicable settlement and for the speedy attainment of freedom and independence of the peoples of India. It was communicated to the Congress on May 12, and a copy of it was sent to the Cabinet Mission at the same time.

The following were the terms of the offer:

1. The six Muslim Provinces (Punjab, N.W. F.P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence, which may be dealt with by the Constitution-making Bodies of the two groups of Provinces (thereinafter named Pakistan Group) and Hindu Provinces—sitting together.

2. There shall be a separate Constitution-making Body for the six Muslim Provinces named above, which will frame Constitutions for the Group and the Provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the Provinces.

3. The method of election of the representatives to the Constitution-making Body will be such as would secure proper representation to various communities in proposition to their population in each Province of the Pakistan Group.

4. After the Constitutions of the Pakistan Government and the Provinces are finally framed by the Constitution-making Body, it will be open to any Province of the Group to decide to opt out of its Group, provided the wishes of the people of that Province are ascertained by a referendum to opt out or not.

5. It must be open to discussion in the Joint Constitution-making Body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two-Constitution-making Bodies, but in no event shall it be by means of taxation.

6. There should be parity of representation between the two Groups of Provinces in the Union Executive and the Legislature, if any.
7. No major point in the Union Constitution which affects the communal issue shall be deemed to be passed by the Joint Constitution-making Body, unless the majority of the members of the Constitution-making Body of the Hindu Provinces and the majority of the members of the Constitution-making Body of the Pakistan Group present and voting, are separaetly in its favour.
8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of a controversial nature, except by a majority of three-fourths.
9. In Group and Provincial Constitutions fundamental rights and safe guards concerning religion, culture and other matters affecting the different communities will be provided for.
10. The Constitution of the Union shall contain a provision whereby any Province majority vote of its Legislative Assembly, call for reconsideration of the terms of the Constitution and will have the liberty to secede from the Union at any time after an initial period of 10 years.

The crux of our offer, as it will appear from its text, was, inter alia, that the six Muslim provinces should be grouped together as the Pakistan Group and the remaining as the Hindustan Group, and on the basis of two Federations, we are willing to consider the Union of Confederation strictly confined to three subjects only, namely, Foreign Affairs, Defence and Communications necessary for defence which the two sovereign Federations would voluntarily delegate to Confederation. All the remaining subjects and the residue were to remain vested in the two Federations and the Provinces respectively. This was intended to provide for a transitional period; as after an initial period of 10 years, we were free to secede from the Union. But unfortunately this most conciliatory and reasonable offer was in all its fundamentals not accepted by Congress, as will appear from their reply to our offer. On the contrary, their final suggestions were the same as regards the subjects to be vested in the Centre as they had been before the Congress entered the Conference, and they made on more drastic suggestion for our acceptance, that the Centre "must also have power to take remedial action in cases of breakdown of the Constitution and in grave public emergencies". This was stated in their reply, dated May 12, which was communicated to us.

At this stage the Conference broke down, and we were informed that the British Cabinet Delegation would issue their statement, which is now before the public.

To begin with, the Statement is cryptic with several lacunas, and the operative part of it is comprised of a few short paragraphs to which I shall refer later.

I regret that the Mission should have negatived the Muslim demand for the establishment of a completely sovereign State of Pakistan, which we still hold is the only solution of the constitutional problems of India, and which alone can secure stable governments and lead to the happiness and welfare, not only of the two major communities, but of all the peoples of this Subcontinent.

It is all the more regrettable that the Mission should have thought fit to advance common place and exploded arguments against Pakistan and to resort to special pleadings couched in a deplorable language which is calculated to hurt the feelings of Muslim India.

It seems that this was done by the Mission simply to appease and placate the Congress, because when they come to face the realities, they themselves have made the following pronouncement embodied in Paragraph 5 of the Statement, which says: "This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India, since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule. This feeling has become so strong and widespread among the Muslims that it cannot be allayed by mere paper safeguards.

If there is to be internal peace in India, it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests".

And again in Paragraph 12: "This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element".

And now what recommendations have they made to effectively secure the object in view and in the light of the very clear and emphatic conclusion they arrived at in Paragraph 12 of the Statement?

(1) They have divided Pakistan into two, what they call Section B (for North-Western Zone) and Section C (for the North-Eastern Zone).

(2) Instead of two Constitution-making Bodies only One Constitution-making Body is devised with these Sections A*, B and C.

(3) They lay down that "there should be a Union of India embracing both British India and the States which should deal with the following subjects: Foreign Affairs, Defence and Communications; and should have the powers necessary to raise the finances required for the above subjects". There is no indication at all that Communications would be restricted to what is necessary for Defence

* Comprising the six provinces of Madras, Bombay, the United Provinces, Bihar, the Central Provinces and Orissa.

nor is there any indication, as to how this Union will be empowered to raise the finances required for these three subjects, while our view was that finance should be raised only by contribution and not by taxation.

(4) It is laid down that "the Union should have an Executive and a Legislature constituted from British Indian and States' representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting". While our view was: (a) that there should be no Legislature for the Union but the question should be left to the Constituent Assembly to decide; (b) that there should be parity of representation between the Pakistan Group and the Hindustan Group in the Union Executive and Legislature if any; (c) that no decision, legislative, executive or administrative, should be taken by the Union in regard to any matter of a controversial nature except by a majority of three-fourths. All these three terms of our offer have been omitted from the statement.

No doubt there is one safeguard for the conduct of business in the Union Legislature, that "any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting". Even this is a vague and ineffective. To begin with, who will

decide and how as to what is a major communal issue and what is a purely non-communal issue?

(5) Our proposal that the Pakistan Group should have a right to secede from the Union after an initial period of 10 years, although the Congress had no serious objection to it, has been omitted; and now we are limited to only a reconsideration of the terms of the Union Constitution after an initial period of 10 years.

(6) Coming to the Constitution-making machinery, here again a representative of British Baluchistan is included in Section B, but how he will be elected is not indicated.

(7) With regard to the Constitution-making Body for the purpose of framing the proposed Union Constitution, it will have an overwhelming Hindu majority, as in a House of 292 for British India, the Muslim strength will be 79; and if the number allotted to Indian States, 93, is taken into account, it is quite obvious that the Muslim proportion will be further reduced, as the bulk of the State representatives would be Hindus. This Assembly so constituted will elect the Chairman and other officers, and, it seems, also the members of the Advisory Committee referred to in Paragraph 20 of the Statement by a majority, and the same rule will apply also to other normal business. But I note that there is only one saving clause which runs as follows:

"In the Union Constituent Assembly resolutions varying the provisions of Paragraph 15 above or

raising any major communal issue shall require a majority of representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues, and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision."

It follows, therefore, that it will be the Chairman alone who will decide. He will not be bound by the opinion of the Federal Court, nor need anybody know what that opinion is, as the Chairman is merely directed to consult the Federal Court.

With regard to the Provinces opting out of their Group, it is left to the new Legislature of the Provinces, after the first general election under the new Constitution, to decide, instead of a referendum of the people as was suggested by us.

(8) As for Paragraph 20, which runs as follows: "The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, the clauses for the protection of minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial Group or Union". This raises a very serious question indeed, for if it is left to the Union Constituent Assembly to decide these matters by a majority vote whether any of the recommendations of the

Advisory Committee should be incorporated in the Union Constitution, then it will open a door to more subjects being vested in the Union Government. This will destroy the very basic principle that the Union is to be strictly confined to three subjects.

There are some of the main points which I have tried to put before the public for studying this important document. I do not wish to anticipate the decision of the Working Committee and the Council of the All-India Muslim League, which are going to meet shortly at Delhi. They will finally take such decisions as they may think proper after a careful consideration of the *pros and cons* and a thorough and dispassionate examination of the Statement.

Appendix V

Statement issued by the Cabinet Mission in New Delhi on May 25, 1946

The Delegation have considered the statement of the President of the Muslim League dated 22nd May and the resolution dated 24th May of the Working Committee of the Congress.

2. The position is that since the Indian leaders after prolonged discussion failed to arrive at an agreement the Delegation put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of cooperation.

3. The Delegation wish also to refer briefly to a few points that have been raised in the statement and resolution.

4. The authority and the functions of the Constituent Assembly and the procedure which it is intended to follow are clear from the Cabinet Delegation's statement. Once the Constituent Assembly is formed and working on this basis there is no intention of interfering with its discretion or questioning its decisions. When the Constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two matters which are mentioned in the statement and which, we believe, are not controversial, namely: adequate provision for the protection of the minorities (paragraph 20 of the statement) and willingness to conclude a treaty with His Majesty's Government to cover matters arising out of the transfer of power (paragraph 22 of the statement).

5. It is a consequence of the system of election that a few Europeans can be elected to the Constituent Assembly. Whether the right so given will be exercised is a matter for them to decide.

6. The representative of Baluchistan will be elected in a joint meeting of the Shahi Jirga and the non-official members of the Quetta municipality.

7. In Coorg the whole Legislative Council will have the right to vote but the official members will receive instructions not to take part in the election.

8. The interpretation put by the Congress resolution on paragraph 15 of the statement, to the effect that the Provinces can in the first instance

make the choice whether or not to belong to the Section in which they are placed, does not accord with the Delegation's intentions. The reasons for the grouping of the Provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the parties. The right to opt out of the groups after the constitution-making has been completed will be exercised by the people themselves, since at the first election under the new provincial Constitution this question of opting out will obviously be a major issue and all those entitled to vote under the new franchise will be able to take their share in a truly democratic decision.

9. The question of how the States representatives should be appointed to the Constituent Assembly is clearly one which must be discussed with the States. It is not a matter for decision by the Delegation.

10. It is agreed that the Interim Government will have a new basis. That basis is that all portfolios including that of the War Member will be held by Indians and that the members will be selected in consultation with the Indian political parties. These are very significant changes in the Government of India and a long step towards independence. H.M.G. will recognise the effect of these changes, will attach the fullest weight to them and will give to the Indian Government the greatest possible freedom in the exercise of the day-to-day administration of India.

11. As the Congress statement recognises, the present Constitution must continue during the

interim period and the Interim Government cannot, therefore, be made legally responsible to the Central Legislature. There is, however, nothing to prevent the members of the Government, individually or by common consent, from resigning if they fail to pass an important measure through the Legislature or if a vote of non-confidence is passed against them.

12. There is, of course, no intention of retaining British troops in India against the wish of an independent India under the new Constitution; but during the interim period, which it is hoped will be short, the British Parliament has under the present Constitution the ultimate responsibility for the security of India and it is necessary, therefore, that British troops should remain.

Appendix VI

Muslim Leaguers who Renounced the Titles Conferred on them by the British Government

In response to the Resolution passed by the All-India Muslim League Council, at Bombay, on July 27-29, 1946, the following persons renounced the titles conferred on them by the British Government:

(Sir) Ghulam Husain Hidayatullah, Sind Premier;

(Sir) Nazimuddin, Bengal ex-Premier;

(Sir) Feroze Khan Noon (Punjab);

(Nawab Sir) Mehr Shah (Punjab);

(Sir) M. Saadullah, Assam ex-Premier;

(Raja) Ghazanfar Ali Khan (Punjab);

(Nawabzada) Nasrullah Khan(Punjab);

(Khan Bahadur) Mohamed Ayub Khuhro, Minister, Sind;

(Khan Bahadur) Jalaluddin (N.W.F.P.)*

(Khan Bahadur) Haji Hassanali Ibrahim (Bombay);

(Khan Bahadur) Karamat Ali Khan;

(Khan Saheb) Alibhai Patel (Bombay);

(Khan Bahadur) Amjad Ali (Punjab);

(Khan Bahadur) Abdullah-al-Mahmud (Bengal); and

(M.B.E.) M. A. H. Ispahani (Bengal)

* Khan Bahadur Jalaluddin was the first to ascend the platform and surrender his title.

Appendix VII

Mountbatten Plan
June 3, 1947

Introduction

On February 20th, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working out of the Cabinet Mission's Plan of May 16th, 1946, and evolve for India a constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the Provinces of Madras, Bombay, the United Provinces, Central Provinces and Berar, Assam, Orissa

and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League Party, including in it a majority of the representatives of Bengal, the Punjab and Sind as also the representatives of British Baluchistan, has decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved upon His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution for India; this is a matter for the Indians themselves. Nor is there anything in this Plan to preclude negotiations between communities for a united India.

The Issue to be Decided

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain Provinces specified below, His Majesty's

Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces, a majority of whose representatives are already participating in it, will now take their due share in its labours. At the same time, it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed:

(a) in the existing Constituent Assembly; or

(b) in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

When this has been done, it will be possible to determine the authority or authorities to whom power should be transferred.

Bengal and the Punjab

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will, therefore, each be asked to meet in two parts, one representing the Muslim majority districts and the other the rest of the Province. For the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative.

6. The members of the two parts of each Legislative Assembly, sitting separately, will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decided in favour of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a final partition of these Provinces a detailed investigation of boundary questions will be needed; and, as soon as a decision

involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect, the provisional boundaries will be used.

Sind

10. The Legislative Assembly of Sind (excluding the European members) will at a special meeting also take its own decision on the alternatives in paragraph 4 above.

North-West Frontier Province

11. The partition of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative

Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

British Baluchistan

12. British Baluchistan has elected a member, but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

Assam

13. Though Assam is predominantly a non-Muslim Province, the district of Sylhet which is contiguous to Bengal is predominantly Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet district under the aegis of the Governor-General and in consultation with the Assam Provincial Government to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of Eastern Bengal, if the Province agrees. If the referendum

results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majority areas of Sylhet district and contiguous Muslim majority areas of adjoining district, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

Representatives in Constituent Assemblies

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet Mission's Plan of May 16th, 1946. Similar elections will also have to be held for Sylhet in the event of it being decided that this district should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:

Province	*General*	*Muslims*	*Sikhs*	*Total*
Syhlet District	1	2	Nil	3
West Bengal	15	4	Nil	19
East Bengal	12	29	Nil	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

Administrative Matters

16. Negotiations will have to be initiated as soon as possible on the administrative consequences of any partition that may have been decided upon:

(a) Between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government, including Defence, Finance and Communications.

(b) Between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power.

(c) In the case of Provinces that may be partitioned, as to the administration of all provincial subjects such as the division of assets and liabilities, the police and other services, the High Courts, provincial institutions, etc.

The Tribes of the North-West Frontier

17. Agreements with tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.

The States

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May, 1946, remains unchanged.

Necessity for Speed

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently as far as practicable within the conditions of this Plan. The existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame constitutions for their respective territories: they will of course be free to frame their own rules.

Immediate Transfer of Power

20. The major political parties have repeatedly emphasized their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June 1948, for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable way of meeting this desire, His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion Status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudice to the right of the Indian Constituent Assemblies to decide in due

course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

Further Announcement by the Governor-General

21. His Excellency the Governor-General will, from time to time, make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

Appendix VIII

Quaid-e-Azam M. A. Jinnah's Broadcast on the Mountbatten Plan from the All-India Radio, Delhi, on June 3, 1947.

I am glad that I am afforded an opportunity to speak to you directly through this Radio from Delhi. It is the first time, I believe, that a non-official has been afforded an opportunity to address the people directly through the medium of this powerful instrument on political matters. It augurs well, and I hope that in the future I shall have greater facilities to enable me to voice my views and opinions, which will reach you directly, life-warm, rather than in the cold print of a newspaper.

The Statement of His Majesty's Government embodying the Plan for the transfer of power to the peoples of India has already been broadcast, and

will be released to the press to be published in India and abroad tomorrow morning. It gives the outlines of the Plan for us to give it our most earnest consideration. We have to examine it coolly, calmly and dispassionately. We must remember that we have to take momentous decisions and handle grave issues facing us in the solution of the complex political problem of this great Subcontinent inhabited by 400 million people. The world has no parallel for the most onerous and difficult task which we have to perform.

Grave responsibility lies particularly on the shoulders of Indian leaders. Therefore we must galvanize and concentrate all our energy to see that the transfer of power is effected in a peaceful and orderly manner. I most earnestly appeal to every community, and particularly to Muslim India, to maintain peace and order.

We must examine the Plan, its letter and spirit, and come to our conclusions and take our decisions. I pray to God that at this critical moment, He may guide us and enable us to discharge our responsibilities in a wise and statesmanlike manner having regard to the Plan as a whole.

It is clear that the Plan does not meet in some important respects our point of view; and we cannot say or feel that we are satisfied or that we agree with some of the matters dealt with by the Plan. It is for us now to consider whether the Plan, as presented to us by His Majesty's Government, should be accepted by us as a compromise or a settlement.

On this point I do not wish to prejudge the decision of the Council of the All-India Muslim League, which has been summoned to meet on Monday, the 9th of June; and the final decision can only be taken by the Council according to our Constitution, precedents and practice. But so far as I have been able to gather on the whole, the reaction in the Muslim League circles in Delhi has been hopeful. Of course, the Plan has got to be very carefully examined in its *pros and cons* before the final decision can be taken.

I must say that I feel that the Viceroy has battled against various forces very bravely, and the impression that he has left on my mind is that he was actuated by a high sense of fairness and impartiality; and it is up to us now to make his task less difficult and help him as far as it lies in our power, in order that he may fulfil his mission of transfer of power to the peoples of India, in a peaceful and orderly manner.

Now the Plan that has been broadcast already makes it clear in Paragraph II that a referendum will be made to the electorates of the present Legislative Assembly in the North-West Frontier Province, who will choose which of the two alternatives in Paragraph 4 they wish to adopt; and the referendum will be held under the aegis of the Governor-General in consultation with the Provincial Government. Hence it is clear that the verdict and the mandate of the people of the Frontier Province will be obtained as to whether they want to join the

Pakistan Constituent Assembly or the Hindustan Constituent Assembly.

In these circumstances, I request the Provincial Muslim League of the Frontier Province to withdraw the movement of peaceful civil disobedience which they had perforce to resort to; and I call upon all the leaders of the Muslim League, and Musalmans generally, to organize our people to face this referendum with hope and courage; and I feel confident that the people of the Frontier will give their verdict by a solid vote to join the Pakistan Constituent Assembly.

I cannot but express my appreciation of the sufferings and sacrifices made by all the classes of Musalmans, and particularly the great part the women of the Frontier played in the fight for our civil liberties. Without apportioning blame—and this is hardly the moment to do so—I deeply sympathise with all those who have suffered and those who died or whose properties were subjected to destruction; and I fervently hope that Frontier will go through this referendum in a peaceful manner, and it should be anxiety of everyone to obtain a fair, free and true verdict of the people of the Frontier. Once more, I most earnestly appeal to all to maintain peace and order. Pakistan Zindabad.

Appendix IX

Statement by Cabinet Delegation and His Excellency the Viceroy, June 16, 1946

1. His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for such a Government.

2. The Viceroy and the Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them. They consider however that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative Interim Government should be set up to conduct

the very heavy and important business that has to be carried through.

3. The Viceroy is therefore issuing invitations to the following to serve as members of the Interim Government on the basis that the constitution-making will proceed in accordance with the Statement of May 16th:

Sardar Baldev Singh
Sir N. P. Engineer
Mr. Jagjivan Ram
Pandit Jawaharlal Nehru
Mr. M. A. Jinnah
Nawabzada Liaquat Ali Khan
Mr. H. K. Mahtab
Dr. John Matthai
Nawab Mohammed Ismail Khan
Khwaja Sir Nazimuddin
Sardar Abdur Rab Nishtar
Mr. C. Rajagopalachari
Dr. Rajendra Prasad
Sardar Vallabhbhai Patel

If any of those invited is unable for personal reasons to accept, the Viceroy will, after consultation, invite some other person in his place.

4. The Viceroy will arrange the distribution of portfolios in consultation with the leaders of the two major parties.

5. The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present

difficulty only, and to obtain the best available coalition Government.

6. The Viceroy and the Cabinet Mission believe that Indians of all communities desire to arrive at a speedy settlement of this matter so that the process of constitution-making can go forward and that the Government of India may be carried on as efficiently as possible in the meantime.

7. They therefore hope that all parties especially the two major parties will accept this proposal so as to overcome the present obstacles, and will co-operate for the successful carrying on of the Interim Government. Should this proposal be accepted the Viceroy will aim at inaugurating the new Government about the 26th June.

8. In the event of the two major parties or either of them proving unwilling to join in the setting up of a coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the Statement of May 16th.

9. The Viceroy is also directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the constitution-making machinery as put forward in the Statement of May 16th.

Appendix X

Letter from Maulana Mohammad Ali to the British Prime Minister, Mr. Ramsay MacDonald.

Hyde Park Hotel,
London, the 1st January, 1931

Sir,

I am too far ill, as I said in my opening speech in the Plenary Conference, to have come to the Indian Round Table Conference, and the work and more particularly the worry through which I have been passing have without exaggeration nearly killed me as my doctors would tell you. On the 19th of December, I fell unconscious and remained so for more than 24 hours. While my pulse was 140, my temperature was only 97 and went down to 95 and my respiration was 30, yet desire for doing the work which had brought me here was so great that I invited the Lord Chancellor to breakfast at 8 O'clock that *evening* believing it to be the *morning*. He very kindly came the next day, but my brother

allowed him to interview me only for 10 minutes, and even in that short time it was with great difficulty that I could express myself.

It is with a desire to place my views on record before His Majesty's Government and before the British Parliamentary delegates as well as the Indian delegates (who to some extent already know my views) that I have solicited the favour of your kindly sending me my old friend, Sir Geoffrey Corbett of Chhindwara fame, to be present when notes could be taken down of what I said on the subject of my views about minorities of which Committee I am a member.

In the first place it is a misnomer to call the Hindu-Muslim question a question of minorities. There are certainly minorities in India, and we must provide for them in such a way that they should feel that future Government of India is not going to be a government only of one or two communities, but the government of all Indians irrespective of creed and caste. Nevertheless, the one hitch in the way of the recognition of India's responsibility with a government of her own is the question not of these minorities but the deep-seated differences that divide the Hindus and Muslims. The fact is so obvious that I need not go into history, nor even in the present statistics, but I wish to emphasise one or two points which will distinguish the case of Hindus and Musalmans from the case of the minorities. First of all the Musalmans ruled over India from the beginning of the 8th century to about the middle of the 19th in one way or another and in one region

or another, which no other community can claim in the same manner. The Sikh rule for a generation in the solitary province of the Punjab, the result of an accident—I say this without any derogation of the valour of the Sikhs and of the high respect I feel for their organization as a *panth*—nor the depredations of the Mahrattas and their confederacy, are any parallel to the history of the Musalmans in India. Whether by conquest or by diplomacy the Muslim rule had passed finally from the hands of the Musalmans to those of the British, barring, of course the rule of the Indian States, many of which remain from time to time immemorial, great and distinguished Hindu principalities tracing their origin even from the sun and the moon. Whatever the relations of the Musalman power as suzerain or as the paramount power to these Hindu States, there is not the least doubt that they retained not only for the most part a deep feeling of loyalty towards the Muslim power, but also a degree of independence which they have recently lost since the transference of Muslim power into British hands. Other States are, of course, the creation of the times during the break-up of the Mughal Empire which have been recognised by the British. Some, like Hyderabad, were larger powers at the time of the original treaties than the East India Company of which they became faithful allies, and others were smaller, but with that I am not at present concerned. What I desire to sketch is that rightly or wrongly the Musalman community ruled over India in one way or another from the 8th to the middle of the 19th

century in some part of the country or another and that no other community has anything like that record.

A very important result of that with which we have to deal today is the feeling created by the record of Muslim rule for so long over so large a part of India. There is hardly a community that has not a real or an imaginary grievance against the old Muslim rulers and what we know of human nature elsewhere brings it home to us that even today there is a feeling of *ravanche* harboured against the Musalmans in the minds of some Hindus and some members of other communities, which is not the case against any other community whether Sikh or Mahratta or Rajput. It is with this feeling that we must deal, and against which we must provide safeguards for the future when framing a constitution for an ideal Indian Government in which all would feel safe, equal and free.

The next consideration is that the Musalmans constitute not a minority in the sense in which the last war and its sequel has habituated us to consider European minorities. The League of Nations deals with minorities and our Indian *savants* and professors easily borrow maxims from the League of Nations and its dealings with minorities and with mandates and want to guide India from Geneva when really it is India itself that can provide far better guidance for Geneva. A community that in India alone must now be numbering more than 70 millions cannot easily be called a minority in the

sense of Geneva minorities, and when it is remembered that this community numbers nearly 400 million of people throughout the world, whose ambition is to convert the rest of mankind to their way of thought and their outlook on life, and who claim and feel a unique brotherhood, to talk of it as a minority is a mere absurdity.

Keeping these two main facts in mind let us now proceed with the problem that we have before us. It was proposed by a member of the Hindu Mahasabha in the Round Table Conference delegation that the Prime Minister should act as an arbitrator between the two communities, which was no doubt very flattering to the Prime Minister, but which would have made his position far too invidious, and he naturally declined the offer with thanks, and I feel certain that he must have seen through the motive that prompted the suggestion. We have heard suggestions of the matter being transferred to the League of Nations. That would mean washing the dirty linen of India before the whole world. As it is, we are disgusted with the fact that the Indian Round Table Conference has been made the *Dhobi Talao* (the washerman's tank) of Indian communalism. This question should have been settled in India. We who worked for ten years through thick and thin with Gandhiji pressed that upon him, but the desire of retaining Hindu popularity for himself and for Pandit Motilal Nehru (who, I am sorry, are absent) prevented a settlement. Sir Tej Bahadur Sapru tried his utmost to have a Hindu-Muslim settlement when the Congress at our urgent

request in December 1928 failed to do so and Sir A.P. Patro was most keen. But the Hindu Mahasabha pretended to share this desire with the liberal Hindu and the Musalmans at first and after postponing meeting after meeting absolutely refused to take any part in the Conference at Bombay and Dr. Moonje was quite frank about his refusal to do anything to arrive at a settlement in India before the Round Table Conference. The Congress followed the Hindu Mahasabha in refusing even to come to the Round Table Conference for a settlement when a settlement was inevitable before an Indian constitution could be framed. But three members of the Hindu Mahasabha nevertheless came over, and in spite of every effort of Musalmans and the Hindu liberals have defeated the settlement so far. It is not for me to say how much time they have usurped in all these conciliatory talks both among the Hindus and Musalmans themselves and with the Prime Minister. I think the Prime Minister can judge that better for himself. Now that a formal Committee has been formed for this purpose it is essential that the case for a settlement should be clearly stated.

In the first place, I would like with the greatest courtesy and friendliness to warn the Prime Minister that it is not a case of the Punjab or Bengal, as he seems to imagine, nor of reducing the figure of 110 in the Punjab to 100 or anything like it, as he seems to think when he was making his conciliatory efforts at the Chequers. The entire question is, as I suggested in my speech in the Plenary Conference,

that for the first time in the history of India we intend to introduce into India majority rule, and those who have been usurping the control of the destinies of those called Hindus for so many thousands of years do not want that there should be any majority Indians or Hindu except that which they can control precisely as they have controlled the Hindus for thousands of years. Let me add that there is one important difference. Sir John Simon is somewhat out of date when he refers with the late Sir Valentine Chirol to Brahman rule. The Brahman had at least taught the people and had at least the mistaken notion that he brought salvation to people in the next world. The small monopolistic caste that desires to remain in control of the destinies of the Hindu community and that being the majority community, of the Indian nation as a whole through it, is the caste not so much of Dr. Moonje and Raja Narendra Nath but of the Banya who has no conception of the salvation of anybody in the next world, nor even of the teaching of anyone in this. I am more anxious than any Indian perhaps to get rid of the foreign incubus, if I may be forgiven to say so, of "a nation of shopkeepers" controlling our destinies. But as I wrote to His Excellency the Viceroy, in reply to His Majesty's Government to me to this Conference, I do not wish to create a home-made incubus of a caste of shopkeepers of our own. To my mind most of the agitation today is being financed, and partly for selfish reasons by the Banyas of Bombay and Gujrat, although I have always laughingly said I do not care a tupenny dam for 1/4 or 1/6, the fight today is not so much for the freedom

of India as for 1/4 against 1/6. This may be entirely justified but it is not the fight for India's freedom in its larger sense.

Now to deal with the Hindu-Muslim problem. It is not a provincial question. In every province Hindu and Muslim sentiment vis-a-vis each other is more or less the same. The Musalmans lost the control of India nearly three generations ago and the British gained it mostly from the Musalmans, though to some extent from the Mahrattas who were the Mayors of the Palace in Delhi and partly from the Sikhs in the Punjab whom the British themselves encouraged to rule there against the Musalmans because of their own war with Afghanistan. Now India wants to regain that control, and the Musalmans as we showed ten years ago have not been lacking in self-sacrifice for this purpose. To-day some Musalmans are still taking part in the Congress movement, but they are men who are doing it more out of the habit of freedom that we ourselves helped to create ten years ago, or out of fashion than otherwise. Many have kept away from the movement of Civil Disobedience as they had kept away from Non-cooperation ten years ago, even when Turkey was involved in the question. Without exaggerating our own importance we can say that it is not these people, many of whom have been selected as delegates to the Indian Round Table Conference by His Majesty's Government or by the Government of India or by local Governments and officers, whoever does it, that have exercised much influence in keeping the Musalmans

away from joining the Congress again as they did with us ten years ago. Even though we have to say it, it is we who had to fight the battle practically in every province, and to a very large extent indeed we succeeded in keeping the Musalmans out, because we showed to them that the last movement was a truly national movement, while the present movement, I regret to have to say in their absence, Gandhiji and Pandit Motilal Nehru have both surrendered for the sake of their popularity to the Hindu Mahasabha.

Now that we have come here, I am the only representative of my party—in spite of my long correspondence with His Excellency the Viceroy on the subject while I was lying ill in India before the final selection was made—to represent it in the Round Table Conference, and more than any one else among the Musalmans it will be I, and of course my brother, who on our return will be asked by millions of Musalmans what we have brought back for the Musalmans. Well, we want to go back not with separate electroates only, nor with weightage only for the Musalmans but with freedom for India including freedom for the Musalmans and unless we can secure that I can assure you the Prime Minister that the Musalmans of India will join the Civil Disobedience movement without the least hesitation no matter what we may say and what the other Muslim delegates may say.

Freedom for India is not separate electorates, though, being one of the authors of the separate electorates in 1906, I shall be the last to surrender

them. Let me first say what is the use of separate electorates. A separate electorate gives to the Musalman client in the case he is fighting the counsel that he selects himself and can trust. In every law court every client is permitted to do that even though some times he is provided with counsel at Government expense. The other party is certainly never allowed to choose his counsel for him. If there had been an independent and impartial judge all that we would have needed would have been a trustworthy counsel, and that was just what was provided a generation ago for us so wisely by Lords Morley and Minto. There was no idea in the mind of Lord Morley to give India anything but a parliamentary British Government. There was the official bloc. There was in the Government of India the British official majority and it was admittedly kept there to show that there was no idea of the introduction of Parliamentary Government into India. Each community presented its case as a client before the judge and it was the judge that decided. We could only influence, never guide and advise him. Therefore all that was needed was a trustworthy counsel selected by the client himself, which we did through the separate electorates.

Even then somehow by accident, if not by design, Lord Minto had provided not only for the needs of the present, but also something for the prospects of the future. The separate electorate had been provided only to supplement, though to a very large

extent, the deficiency that the Musalmans were expected to encounter through the narrowness of the Hindu majority in their representation through the general territorial electorates. Lord Morely had not deprived the Musalmans of their share in the mixed electorates themselves. That was a fatal mistake that was made at the urgent suggestion of our Hindu friends in 1916 at Lucknow when we two brothers were interned in Chhindwara and could take no part in the politics of the Lucknow Muslim League and the Congress. For the first time separate electorates became the only resource for Muslim representatation.

Another grave mistake that was then made, for which the Musalmans have now been crying their eyes out for the last 14 years, was the substitution of Muslim majorities in the Punjab and in Bengal for the small Muslim majorities. Had our friends the least vision of the future they would not have given the Punjab a practical and Bengal a deliberate a small majority. It is to rectify these mistakes that the Round Table Conference is practically being held. Let there be no mistake about it. This is what His Majesty's Government and the Prime Minister should primarily understand. It is with this that I should have begun this long dissertation; but I am glad I have come to it now after clearing the site for laying down the foundation and I will not take very long in the real problem before us. The real problem before us is to give full power to Musalmans in such provinces as those in which they are in a majority, whether small or large, and

protection to them in such provinces as those in which they are in a minority, and in order to be absolutely fair to the Hindu community also, precisely the same thing must be done with the Hindus. What is needed is to give power to a community which is in a majority in any province no matter how small or how large it may be, and protection to it in a province no matter how large or small it may be. The Musalmans desire—and this is the crux of their 14 points and not separate electorates—that there should be federal government so that the central unitary government with a permanent Hindu majority should not override them everywhere; that they should have at least a third of the British Indian representation in the Federal Government, that in the provinces of the Punjab and Bengal where they have small majorities in population which are unorganised, and greatly controlled by the Banyas and the Sikhs and the Hindu landlords, as in Bengal, these majorities should be reserved (personally I shall be satisfied if for a number of years only such as 20); that in the N.W.F.P. and in Baluchistan (which is only nominally a province) where there are clearly huge Muslim majorities full reforms should be extended to the Musalmans which have so far been denied by the combination of British military and civil domination and Hindu narrowness characteristically supporting it, and that Sind should be made a separate small province like Assam; and that the Musalmans should be allowed to have their majority, in all these as the Hindus have everywhere else. Unless in these few provinces

Muslim majorities are established by the new constitution, I submit, not as a threat, but as a very humble and friendly warning, there will be civil war in India. Let there be no mistake about that. These are the four or five provinces where the Musalmans should have precisely the same power as the Hindus have everywhere else, and the Hindus should have the same protection as the Musalmans demand where they are in minorities.

In the Punjab and Bengal where the Muslim majorities are only 6 and 5, it is absolutely impossible to give weightage to the Sikhs or to the Europeans, and neither of them really need weightage, as I shall presently explain. The whole idea has been created in order to rob the Musalmans of their small majorities in the only two large provinces where their population gives it to them. The franchise in both these provinces, whether equal for all communities or not, this is not a religious or an ethical question about which there should be no rigidity, and no fetish, and at present there is no rigidity about the franchise about different communities in India (compare the franchise about the Council of State today) should be such as to give the Musalmans as many voters at least as their population ratio, and in any case their seats should at least for twenty years be reserved in the same proportion for them because they are indebted to the Hindu Banyas and too much under the influence of the Sikh *noveau riche.* The Nehru report very ingeniously tried to fool the Musalmans by talking of adult franchise. Nobody can be more in

favour of adult franchise than a true Musalman. But fortunately or unfortunately women become adults as well as men, and for 20 years at least Muslim women when they become adults will not go to the polling booths even if the best *purdah* arrangements are made for them, and only *purdah* officers supervise over their voting. In comparison with Aryas, other Hindus and Sikhs in the Punjab, the Muslim women are bound to suffer. Therefore, adult franchise is out of the question. In these two provinces of the Punjab and Bengal no consideration should go against the Muslim demand of a majority of 56 per cent, and 55 per cent respectively in the entire House.

The Sikhs had acquired in that one generation of rule so much land in the Punjab and they exercised such control over the poor tenants and others in the villages to this day that they need absolutely no protection. Time after time they have themselves said that if the Musalmans give up "communalism in the interest of nationalism" they too would give up communalism and abide by the results of the general territorial elections. Robbed of all false sentiment this means that they do not need protection in the same way as the Musalmans do, and therefore the idea of providing weightage for them is wholly unnecessary and is a Hindu Mahasabha fiction.

The same may be said of the Europeans in Bengal. It is not by a few seats more or less in the Bengal Council only that they would keep their control over commerce that they have acquired since the days of

the John Company. We must provide for that in some other way, and I suggest that the Instrument of Instruction to the Governor of Bengal should provide that nothing should be done in India to wreak revenge against Europeans whatever Indians may feel for the past. A mere wiehgtage of 5 or 10 per cent will not help them. It will be absolutely ineffective. What it will do will be to rob the Musalmans of their majority in another of the only two provinces in which at present they are a majority in the population and have reforms.

With regard to the Frontier Province, I say nothing because the Frontier Committee is already dealing with the matter and my own suggestion is that the Musalmans should give to the Hindus and the Sikhs not only twice as much representation as the latter's population but three times as such so that the Hindus and the Sikhs should feel that the province is their own as well as the Musalmans and that they have a real share in the government of the province. That is the kind of thing that the Musalman should feel in Dr. Moonje's province where he is only 4 per cent, or in Madras where he is only 7 per cent, or in Orissa when it is to be separated when he will be in an equally small proportion. It must be remembered that the feeling for or against the Musalmans in every province is practically the same. And when it is so bitter in the Punjab, it is not likely to be less bitter in provinces like Dr. Moonje's where he is in very small numbers and practically a Hindu Government will rule over him. The fear is that the idea of revenge is too much in the minds of

our young men who have been mistaught Indian history chiefly for political reasons.

It is only in the Indian States where history is not taught but is still being made by the Princes and made in a human manner in spite of weakness of Princes, to which I must refer as a confirmed republican, that true protection is often to be found for the Musalmans.

Let me in passing refer to the fact that the Musalman has not been made excessively popular to any other minority either by the 1250 years of rule that he has exercised. Some have a grievance against him because he conquered Byzantium, Syria and Egypt and did not lose Palestine in the Crusades. At any rate, whosoever had ruled over India, whether it be the English, or the Musalman, is bound in some way to suffer from real or imaginary grievances of his old subjects. It is remarkable that the Musalman suffers much less from it than the British. The British can be the best judge of this feeling of revenge against him, and in making a new constitution they must provide against that feeling for at least a number of years.

I come now to the subject of protection for the minorities. Many of the 14 points provide for this, such as a veto given to two-thirds of the Hindu and Muslim minorities in any legislative or other elected body against the discussion or passage of any bill, resolution, or part thereof, which is considered by it to be against its interests. This is the historic provision made by the Congress when the late Sir Syed Ahmad Khan of Aligarh was being invited in

1887 to join the Congress by Mr. Badruddin Tyabji, the other distinguished Musalman who had joined the Congress. A provision that the Parliament of India before it was recognised and had any real power except to debate, willingly legislated should not now be objected to when the Parliament of India is being recognised and being given effective power. I insist that the words should be copied from the Congress constitution itself.

It must be remembered that this provision is not for the protection of any religion but of communal interests only. Religion must be above law, and I am sorry I had just been out of the Plenary Committee when the Prime Minister asked us about the Federal Committee's Report whether we should note the point that no legislation should be introduced affecting the religion or religious rites and usages of any of His Majesty's subjects without the previous assent of the Governor. Already much mischief has been done by that provision on account of the passage of the Sarda Act for which, although it had been passed, no assent was ever taken, the assent being given for a purely Hindu Child Marriage Restraint Bill as originally introduced. I have the least objection if the Hindus or members of any other progressive religion desire to legislate about their religions. But my religion is not "progressive". It claims divine legislation, as I have shown in the statement presented on the 9th November, 1929, to His Excellency the Viceroy by the deputation of Muslim Ulemas and other leaders which I led before His Excellency for which I submit a copy with this

statement of mine. Matters of such importance must not be rushed in such a hurry, and when opportunity arises again I shall see to it that at least Muslim religion is placed above human legislation whether by the Indian or by the British Parliament. *Without that no Musalman can undertake to be loyal to any constitution.*

I would say one word only with reference to the weightage that the Musalmans enjoy and desire to enjoy in every province where they are in such meagre minorities. Nowhere does that weightage give them a majority. As Shakespeare says about the Jews, it can be said of minorities that sufference is the badge of the tribe; but everywhere weightage gives them a certain amount of influence. And the need of that influence is realised by no one more than by myself who, through my illness, have had the whole of my party unrepresented in the Minorities Committee and elsewhere at present. Weightage will give to the community just so excessively represented only the idea that it has a share in governance of the country and no more. The same weightage that the Musalmans claim they are prepared to give to the Hindus in every province in which the Hindus are in a similar minority. But to claim weightage for the Hindus of Bengal or of the Punjab where the minority is in reality better organised and in every way more powerful politically than the majority, more wealthy and better educated is an absurdity. The same is true of the Sikhs in the Punjab, who apart from every other

consideration, are socially Hindus and have politically been working with them. In Sind, the Hindu minority is better organised and richer and better educated than the Musalmans in spite of their being big landlords, and yet I would give them a weightage as large as could satisfy the biggest gourmand.

Let it not be understood that I am a communalist in the sense in which communalism has been understood in Europe. Although nearly a generation ago I was one of the authors of the separate electorate, I have felt that the time for it has passed and that we should now have, in the interests of Indian nationalism, a mixed territorial electorate. But a territorial electorate in India of the type of England is an absurdity. In the province, say of Dr. Moonje, or of Nawab Sir Abdul Qayum, where the minority communities number only 4 and 7 per cent respectively, the minorities have no chance of getting their true representatives elected even if 20 seats are reserved for them if 96 per cent or 93 per cent of the rival community are to be allowed to choose their representatives. Men of straw, men who are merely religiously Hindus or Muslims but not politically so, will be returned by the votes of politically Muslim or Hindus majorities.

I have therefore after long cogitation and consultation with friends devised a plan. It is certainly far more deserving of consideration than Major Attlee's plan discussed in the Simon report. It is this. Let the seats be reserved for the two

communities but let no candidate be declared elected unless he secures:

(1) at least 40 per cent of the votes cast of his own community; and

(2) at least 5 per cent of the votes cast of other communities wherever he is in a minority of 10 or less per cent and 10 per cent where he is in a larger minority or in a majority.

In this way three purposes will be served. In the first instance, every candidate will have to go cap in hand to both the communities as in the Minto-Morley Reforms which he does not do today; and the rank abuse of sister communities which goes on today since the Montagu-Chelmsford Reforms, which has ruined Indian politics, and even social life will cease. Secondly, no man would be returned to represent any community who does not represent at least a fair percentage of that community though not necessarily its majority as in the separate electorates today. The third purpose which is no less important is that ordinarily no person who is not in the least a persona grata to a sister community will be able to get returned even if he secures election from his own community. Thus for the first time communalism will be killed and true nationalism will get a chance. This is better than P.R. and distinctly better than the "list system". If, however, no candidate from a constituency satisfies either of these minima, the one that secures the largest votes cast of the community for which the seat is reserved must be returned. This will only be the relic of the present separate electorate which

is unfortunately inevitable today. I do not want any more than that portion of separate electorates to be spared in the new national constitution that we are trying to frame this time in England. Without these conditions, Musalmans will never accept mixed electorates in which a man of straw or even a false convert can be returned by the votes of 96 per cent of the majority community in any province irrespective of the entire opposition of the community for which the candidate is standing for election as a representative. That will be an absurdity worse than any we have known.

I have explained this system both to His Excellency the Viceroy and to the Secretary of State for India and they were very gravely impressed with the sanity and ingenuity of the measure I proposed. I believe I have a right to mention that Sir Tej Bahadur Sapru and the Right Hon'ble Srinivasa Sastri have been equally impressed, if not more.

With these words I close this statement of mine which has been dictated through the kindness of the Prime Minister and Sir Geoffrey Corbett in absolute defiance of my doctors who are greatly displeased with the liberty I have taken, and yet I had not taken this liberty I should have disobeyed them still more greatly and would have gone to the Conference to put this case before the Committee and the Conference even if I died. I beg the Prime Minister and the Committee not to ignore this lengthy screed but to give it some consideration at least. I can assure them that it represents the views of many scores of millions of Muslims whose

voice may not be heard in the Indian Round Table Conference but whose sentiments cannot be ignored by the Indian administrators as I feel sure Sir Geoffrey Corbett who has been present throughout knows well enough himself.

I remain,

Yours Obediently,

Sd/- Mohammad Ali.

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"Our religion teaches us to be always prepared for death. We should face it bravely to save the honour of Pakistan & Islam. There is no better salvation for a Muslim than the death of a martyr for a righteous cause".

--- QUAID-E-AZAM
October 30, 1947.